



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**GETTING TO ONE FROM TITLE 10 + TITLE 32:  
UNITY OF EFFORT IN THE HOMELAND**

by

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September 2011

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<b>REPORT DOCUMENTATION PAGE</b>			<i>Form Approved OMB No. 0704-0188</i>	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188) Washington DC 20503.				
<b>1. AGENCY USE ONLY (Leave blank)</b>		<b>2. REPORT DATE</b> September 2011	<b>3. REPORT TYPE AND DATES COVERED</b> Master's Thesis	
<b>4. TITLE AND SUBTITLE</b> Getting to One from Title 10 + Title 32: Unity of Effort in the Homeland			<b>5. FUNDING NUMBERS</b>	
<b>6. AUTHOR(S)</b> Caroline Ross Prosch				
<b>7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)</b> Naval Postgraduate School Monterey, CA 93943-5000			<b>8. PERFORMING ORGANIZATION REPORT NUMBER</b>	
<b>9. SPONSORING /MONITORING AGENCY NAME(S) AND ADDRESS(ES)</b> N/A			<b>10. SPONSORING/MONITORING AGENCY REPORT NUMBER</b>	
<b>11. SUPPLEMENTARY NOTES</b> The views expressed in this thesis are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government. IRB Protocol number N/A				
<b>12a. DISTRIBUTION / AVAILABILITY STATEMENT</b> Approved for public release, distribution is unlimited			<b>12b. DISTRIBUTION CODE</b> A	
<b>13. ABSTRACT (maximum 200 words)</b> This thesis bridges the knowledge gap between Title 10 Active Duty and Title 32 National Guard in order to breakdown cultural barriers and reach unity of effort for response operations in the homeland. Regrettably, a unified response was missing among Title 10 Active Duty and Title 32 National Guard members following Hurricane Katrina. Since then, initiatives based in doctrine, statutes and formal recommendations have been established to address unity of effort, however, a serious knowledge gap remains. Future threats, manmade or natural, will require a unified response to save lives and mitigate suffering. Case studies on the Israeli Home Front Command and the Florida Division of Emergency Management help determine best practices to reach unity of effort between Title 10 Active Duty and Title 32 National Guard. Appreciating the varying perspectives, concerns and competing interests among state and federal stakeholders on command and control of military forces in the homeland is vital to moving forward. Understanding culture and context among Title 10 Active Duty and Title 32 National Guard will facilitate learning and resolve conflict. Progress is underway to reach unity of effort through the Council of Governors on dual-status command and this thesis recommends next steps to enhance efforts.				
<b>14. SUBJECT TERMS</b> Unity of Effort, Defense Support to Civil Authorities, Title 10 Active Duty, Title 32 National Guard, National Response Framework, Command and Control, Dual Status Command, USNORTHCOM			<b>15. NUMBER OF PAGES</b> 133	
			<b>16. PRICE CODE</b>	
<b>17. SECURITY CLASSIFICATION OF REPORT</b> Unclassified	<b>18. SECURITY CLASSIFICATION OF THIS PAGE</b> Unclassified	<b>19. SECURITY CLASSIFICATION OF ABSTRACT</b> Unclassified	<b>20. LIMITATION OF ABSTRACT</b> UU	

NSN 7540-01-280-5500

Standard Form 298 (Rev. 2-89)  
Prescribed by ANSI Std. Z39-18

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**GETTING TO ONE FROM TITLE 10 + TITLE 32:  
UNITY OF EFFORT IN THE HOMELAND**

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Submitted in partial fulfillment of the  
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**MASTER OF ARTS IN SECURITY STUDIES  
(HOMELAND DEFENSE AND SECURITY)**

from the

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## **ABSTRACT**

This thesis bridges the knowledge gap between Title 10 Active Duty and Title 32 National Guard in order to breakdown cultural barriers and reach unity of effort for response operations in the homeland. Regrettably, a unified response was missing among Title 10 Active Duty and Title 32 National Guard members following Hurricane Katrina. Since then, initiatives based in doctrine, statutes and formal recommendations have been established to address unity of effort, however, a serious knowledge gap remains. Future threats, manmade or natural, will require a unified response to save lives and mitigate suffering. Case studies on the Israeli Home Front Command and the Florida Division of Emergency Management help determine best practices to reach unity of effort between Title 10 Active Duty and Title 32 National Guard. Appreciating the varying perspectives, concerns and competing interests among state and federal stakeholders on command and control of military forces in the homeland is vital to moving forward. Understanding culture and context among Title 10 Active Duty and Title 32 National Guard will facilitate learning and resolve conflict. Progress is underway to reach unity of effort through the Council of Governors on dual-status command and this thesis recommends next steps to enhance efforts.

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## LIST OF ACRONYMS AND ABBREVIATIONS

AGAUS	Adjutants General Association of the United States
AIPAC	American Israel Public Affairs Committee
CBRNE	Chemical Biological Radiological Nuclear Explosive
CCMRF	Consequence Management Force
CDSC	Contingency Dual-Status Command
CNAS	Center for a New American Security
CNGR	Commission on the National Guard and Reserve
CSEF	Civil Support Expeditionary Force
DCO	Defense Coordinating Officers
DCRF	Defense CBRN Response Force
DEM	Division of Emergency Management
DHS	Department of Homeland Security
DoD	Department of Defense
DSC	Dual-Status Command
DSCA	Defense Support to Civil Authorities
EM	Emergency Management
EPLO	Emergency Preparedness Liaison Officers
FEMA	Federal Emergency Management Agency
GAO	Government Accountability Office
HMGP	Hazard Mitigation Grant Program
HRF	Homeland Response Force
IDF	Israeli Defense Force
JFO	Joint Field Office
JIACG	Joint Interagency Coordination Group
JIATF-S	Joint Interagency Task Force South
JOC	Joint Operating Concept
JRSOI	Joint Reception, Staging, Onward Movement, and Integration
JTF-CS	Joint Task Force-Civil Support
LMS	Local Mitigation Strategies

MAE	Mid American Earthquake Center
MOA	Memorandum of Agreement
MOD	Ministry of Defense
MSCA	Military Support to Civil Authorities
NDAA	National Defense Authorization Act
NEMA	National Emergency Management Authority
NGAUS	National Guard Association of the United States
NISAC	National Infrastructure and Analysis Center
NLE	National Level Exercise
NRF	National Response Framework
NSSE	National Special Security Events
OMB	Office of Management and Budget
OSD HD&ASA	Office of the Secretary of Defense Homeland Defense and America's Security Affairs
PCA	Posse Comitatus Act
PME	Professional Military Education
RDO	Regional Defense Officers
SERT	State Emergency Response Team
SWOT	Strengths, Weaknesses, Opportunities and Threats
TAG	Adjutant General
TCO	Transnational Criminal Organization
U.S.	United States
USNORTHCOM	U.S. Northern Command



## ACKNOWLEDGMENTS

This research project is due entirely to the overwhelming support I received from the many family, friends, colleagues and Naval Postgraduate School mentors who encouraged me every step of the way. My sweet husband, Bo, was my biggest fan and offered patience when I had none, direction when I did not know what to write, an encouraging smile or high-five when I completed another step and a big hug when I thought I could not make it to the finish line. Our engagement, honeymoon and newlywed bliss has included moments for me to write, research and study to finish this thesis. Thank you, Bo, for being so attentive and I love you.

My parents, Frank and Barclay, were always there to listen and provide constructive guidance as only they can do. My sister and best friend in this world, Chelsea, was a constant companion to cheer me on and my brother, Trip, was ever present to let me know how proud he was of me. My colleagues and dear friends, Rob and Andrew, listened to me talk about this thesis every day for 18 months and will finally get a break. Support from these individuals and many others who are a part of my real family, my work family and other friends helped me stay focused on the prize. I vow to strip the word “thesis” from my vocabulary.

My advisors, Dr. Nadav Morag and Dr. Stanley Supinski, were an amazing team and provided incredible advice and invaluable help to lead me in the right direction. My other NPS mentors include my cohorts of 1001 and 1002. I learned priceless lessons from the phenomenal people who shared this experience for 18 months. I particularly want to thank my Monterey Fish House cohorts for all the laughs, impersonations and memorable moments. Indeed.

Finally, thank you to the wonderful team at NORAD and USNORTHCOM for giving me this opportunity to learn and grow, particularly Mrs. Robin Squatrito and General Gene Renuart, who believed in me. I am incredibly thankful for this amazing education and experience.

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## **I. INTRODUCTION**

Yet with collective determination, unity of effort, and effective organizational change, the true legacy of Katrina can be that of a catalyst that triggered a real and lasting improvement to our national preparedness.

– The Federal Response to Hurricane Katrina Lessons Learned

### **A. PROBLEM STATEMENT**

Unity of effort is a fundamental principle in the National Response Framework (NRF) to express the necessity for a successful, coordinated and unified emergency response effort in the homeland (Federal Emergency Management Agency, 2008, p. 10). Depending on the severity on an incident, stakeholders at the local, state and federal levels all have a role when disasters and emergencies occur in the homeland. The United States (U.S.) military is often a federal partner in disaster and emergency response due in part to the unique capabilities and amount of trained personnel that can be brought to bear. Supporting disaster and emergency response operations in the homeland is not a new mission for the U.S. military; however, the expectation is that military support will be effective, efficient and seamless among response mission partners. That being said, achieving unity of effort in the homeland is not an operational reality, specifically for Title 10 Active Duty and Title 32 National Guard. Several components need to be addressed up front to explain this complex situation. First, understanding what unity of effort means or at least how this terminology has been prescribed in the United States. Second, discerning how unity of effort connects local, state and federal organizations. Third, considering how the military, Title 10 Active Duty and Title 32 National Guard, fit into the national approach of unity of effort in the homeland.

#### **1. Unity of Effort in the Homeland**

According to the NRF, “success requires unity of effort, which respects the chain of command of each participating organization while harnessing seamless coordination across jurisdictions in support of common objectives” (Federal Emergency Management Agency, 2008, p. 10). The NRF further addresses unified command and control, which

are concepts that define structure to the coordination of multiple stakeholders during an operation. While the NRF outlines objectives for various federal agencies and the roles and responsibilities of other partners, it is an overarching strategy or guideline for the nation at large and it does not go into any detail about planning with the military and response operations. Based on the NRF doctrine, an obligation for federal, state, local, tribal, private sector and nongovernmental organizations exists to work together both prior to and during a domestic emergency to create a “national approach.” However, it is entirely incumbent upon these entities to adhere to this obligation, as no statutory requirement or mandate exist requiring such coordination (Federal Emergency Management Agency, 2008). In addition to the NRF and with the same circumstance of limited mandate authority, Homeland Security Presidential Directive-5 or HSPD-5, Management of Domestic Incidents, directs the Secretary of the Department of Homeland Security (DHS) to be responsible for coordinating the federal government to work with mission partners at state and local levels, and private and nongovernmental organizations to develop an efficient and effective domestic response to an incident (Department of Homeland Security, 2009). However, creating unity of effort in realistic terms that mission partners can agree upon can be difficult when schools of thought vary depending on the organization. Wormuth and Witowsky pointedly address unity of effort, or the lack thereof, in domestic emergency response operations in *Managing the Next Domestic Catastrophe: Ready (or Not?)*:

No single government agency, private company, or charitable organization can possibly provide all that will be required in the face of a major disaster. The key to a successful response to major disasters in the future will be finding ways to leverage the particular capabilities of many parts of society while these diverse disciplines and tools are brought together for maximum effect. Despite the tireless exertions of many dedicated individuals at all levels of government and across many sectors of society over the past few years, the United States has not yet been able to achieve this kind of unity of effort. (Wormuth & Witowsky, 2008, p. 1)

The real-world application of unity of effort for local, state and federal mission partners is complex. The challenge that exists, specifically for Title 10 and Title 32 military members, is determining how to create unity of effort before a domestic emergency incident occurs so that their capabilities and assets can help save lives and mitigate suffering.

## **2. Local, State, and Federal Interconnectedness**

Acknowledged in the National Response Framework, an incident may occur that “exceeds or is anticipated to exceed local, tribal, or State resources, [and] the Governor can request Federal assistance under the Stafford Act” (Federal Emergency Management Agency, 2008, p. 4). When a state governor seeks support through the Robert T. Stafford Act and the federal government is requested to support a state, the concept of unity of effort becomes fundamental and fundamentally difficult as various agencies, their assets and personnel are brought together collectively to support a state.

Learning from Hurricane Katrina, “time equals lives saved” and critical to response time in a domestic emergency response mission is having a unified response effort in place among all homeland security mission partners to ensure an effective response (The White House, 2006, p. 53). Depending on the incident, the Department of Defense and other federal agencies may be asked to support the lead federal agency and/or state civilian authorities. As components of the U.S. military apparatus, it is incumbent upon Title 10 and Title 32 military members to develop unity of effort so they are well synched when supporting a state and the lead federal agency as part of the national approach to emergency response in the homeland to save lives and mitigate suffering. To be clear, both Title 10 federal military and Title 32 National Guard are elements of the larger national response enterprise in the homeland. Regrettably, a unified response was specifically missing among Title 10 federal military and Title 32 National Guard members following Hurricane Katrina (The White House, 2006, p. 43). One of the major lessons learned from response operations was that the “Department of Defense should ensure the transformation of the National Guard is focused on increased integration with active duty forces for homeland security plans and activities” (The White

House, 2006, p. 43). Unfortunately, endeavors since Hurricane Katrina to address unity of effort have not yet yielded the results necessary where stakeholders, specifically state governors, the National Guard, the Department of Defense (DoD) and U.S. Northern Command (USNORTHCOM), feel a consensus has been reached and unity of effort has been achieved.

### **3. The “Title” Paradox**

Unity of effort and responsibilities can become more complicated for the military when Title 10 federal military and Title 32 National Guard members are expected to respond and operate together but under separate chains of command. While governors are the commanders for their sovereign state and control their National Guard, the President of the United States is also sovereign under Article II Section 2 of the U.S. Constitution as the Commander in Chief of the U.S. Armed Forces. A paradoxical circumstance ensues when Title 10 federal military members enter a state to augment Title 32 National Guardsmen, under the Stafford Act, in support of a domestic emergency response effort. The Title 10 response mission in the homeland is known as Defense Support to Civil Authorities (DSCA), which is led by USNORTHCOM. At a basic level, federal military members have been primarily trained and focused for overseas contingencies for the last ten years and do not sufficiently “understand the constraints placed upon them by the body of statutes, regulations, and presidential orders pertaining to responding to disasters and incidents” in the homeland (U.S. Army, 2010). Conversely, Title 32 National Guardsmen are inherently knowledgeable and properly trained for missions within their state or in support of another state in the homeland. As such, a knowledge problem remains among Title 10 federal military and Title 32 National Guardsmen that has impacted how these components communicate and work toward unity of effort. Further explanation and execution of roles, responsibilities and the processes by which each component is incorporated in a unified response needs to be addressed. The political dynamics and legal mechanisms involved in developing unity of effort among these military components must also be available for public discourse.

In a memo by the Secretary of Defense, Robert Gates, on “Improving Coordination and Unity of Effort with State Responders during Emergency Response Operations,” Secretary Gates provides direction for the development of command and control options that will enable federal military forces “to consult, coordinate with, and respond to state authorities” (January 13, 2009). This Secretary of Defense direction not only stresses the department’s focus on this important issue internally, but also acknowledges that considerable work must be done to cultivate a collective understanding for unity of effort. Consequently in 2010, the DoD developed a concept to build a consensus with the National Guard and governors called “Improving Unity of Effort: Direct Support Initiative,” which focused on creating a unity of effort among states, the National Guard, the DoD and USNORTHCOM for emergency response operations (Center for Homeland Defense and Security, 2010). This concept eventually became an approved “plan” called the Joint Action Plan for Developing Unity of Effort. The success of the unity of effort initiative was directly linked to the congressionally-mandated Council of Governors, which was established to work with the DoD and DHS on issues of significance to state governors (The White House, 2010b). The Council of Governors consists of 10 appointed state governors, the Secretary of Defense, the Secretary of Homeland Security, Commander of USNORTHCOM and the Chief of the National Guard Bureau in addition to other federal officials. One of the objectives the Council of Governors is working towards bridging the gap between governors and the DoD regarding the command and control issues associated with unity of effort and the use of Federal Title 10 military members who are employed in a state. Trust is an underlying issue that must be resolved and the Council of Governors, National Guard, the DoD and USNORTHCOM are collectively working towards this goal (Center for Homeland Defense and Security, 2010). As state governors continue to work hand-in-hand with the DoD, the National Guard and USNORTHCOM on the Council of Governors, trust is being built and strong partnerships are emerging. Secretary Robert Gates directly expressed his gratitude and appreciation to Governor Gregoire for her support on the Joint Action Plan on Developing Unity of Effort and stated that the “plan marks an historic moment in the relationship between the States and the Federal

Government, as well as a critical step forward in living up to our mutual obligation to protect American lives in the face of catastrophes” (Gates, 2011). The establishment of the Joint Action Plan on Developing Unity of Effort is clearly a huge step in the right direction to build trust and a stronger rapport between the DoD and states, which will be addressed in subsequent chapters.

Once trust is achieved among these partners, an opportunity may exist to address other aspects of federal military support in the homeland. Included in the overarching knowledge problem regarding unity of effort, is the issue of accessing Title 10 federal reserve military members for domestic emergencies. Domestic emergencies, natural or manmade, may occur that are utterly catastrophic when a state or several states have exhausted the capabilities of their National Guard and a coordinated response to include Title 10 military members, both active and reserve, may be necessary (Commission on the National Guard and Reserve, 2008, p. 24). Title 10 federal reserve units may be within close proximity to support an emergency but current laws hinder their response, which “defies logic and unnecessarily endangers American lives” (Nagl & Sharp, 2010). Many active duty forces were called upon to respond to Hurricane Katrina, including the 82nd Airborne from Fort Bragg, NC and the 4th Infantry Division and 1st Cavalry Division out of Fort Hood, TX (Army News Service, 2005). While the active duty augmented National Guard efforts and provided support, a number of federal reserve forces were closer to the disaster but language in Title 10 Section 12304 defining “certain emergencies” prevented the DoD from calling upon those forces to respond. Several such federal reserve units in hurricane-affected states are: 560th RED HORSE Squadron, Air Force Reserve Command, Charleston, South Carolina; Helicopter Anti-Submarine Squadron Seventy Five [HS 75], U.S. Navy Reserve, Jacksonville, Florida; 4th Landing Support Battalion, Marine Forces Reserve, New Orleans, Louisiana; 926th Engineer Group, U.S. Army Reserve, Montgomery, Alabama (National Guard Association of the United States, 2009). Further, some individuals in federal reserve units chose to volunteer to support response operations following Hurricane Katrina and according to the Government Accountability Office (GAO) it negatively impacted unity of effort because it took more time to organize volunteers who were not a part of the chain of



command (U.S. Government Accountability Office, 2006). If unity of effort was mutually defined and upheld among mission partners in the DoD and states, there may be little hesitation to exclude federal reserve forces as part of the total Title 10 federal military support and response effort to a domestic emergency or incident. Senior military leaders in the National Guard and Reserve echoed the need for access to Title 10 federal reserve forces and urged Congress that “legislation should be altered so that the Reserves can be accessible during natural disasters and Homeland Security-related matters” (Ybarra, 2011). This subject was under consideration for the Council of Governors and Secretary Robert Gates restated the Council’s intent that “a legislative proposal to close this gap would be most effective if it came from the Council of Governors...ensuring that the almost 400,000 Reservists...can be called upon under this new authority to serve the public more effectively during national disasters” (Gates, 2011). Ultimately, trust and partnership must remedy the knowledge problem about the use of Title 10 federal military forces within states to fulfill expectations properly for an effective and efficient emergency response effort.

Although many initiatives, both formally written in doctrine and directives and socially constructed, address unity of effort for domestic emergency response operations, a serious gap remains among Title 10 federal military and Title 32 National Guard members. Cultural divides, distrust and concerns over command and control of forces has muddied the waters of communication to the point where individuals and groups tend to talk past each other instead of to each other. The debate has morphed into a “wicked problem” where fragmentation has stifled the process of reaching compromise and “the people involved see themselves as more separate than united, and in which information and knowledge are chaotic and scattered” (Conklin, 2006, p. 2). Clearly defining what unity of effort means operationally among the U.S. military needs to be resolved to reach consensus and support a “national approach” to domestic response (Department of Homeland Security, 2009). Further, if unity of effort is reached among Title 10 Active Duty and Title 32 National Guard there may be little reservation to adding Title 10 federal reserve forces to the mix of potential forces to support domestic emergency response operations.

Understanding unity of effort doctrinally, the interconnectedness of local, state and federal mission partners, as well as the U.S. military elements to the federal support piece of emergency response, are key components when addressing a unified effort among Title 10 federal forces and Title 32 National Guard. As previously stated, a knowledge problem still exists that hinders these forces from executing unity of effort as an operational reality. The next few chapters examine what has been said about this paradox called “unity of effort” and the historical views and opinions that have shaped the current landscape where consensus is now at the forefront. To delve into these matters, several key questions lead the research to address the knowledge problem in subsequent chapters of the thesis.

## **B. RESEARCH QUESTIONS**

This thesis addresses the complexity of issues that stifle the development of unity of effort among the U.S. military, Title 10 federal military and Title 32 National Guard, and the potential solutions or lessons learned that may be applied to improve U.S. military disaster response operations in the homeland. The major questions driving the thesis research are the following.

- What events, experiences, opinions and/or comments have shaped the current landscape between Title 10 Active Duty and Title 32 National Guard regarding unity of effort in the homeland? How have politics, federalism, command and control and other relevant concerns played a role?
- Is there a formal mechanism that the DoD, USNORTHCOM, the National Guard and state governors can create to reach a consensus on “unity of effort,” to the degree it can be operational and sustained during domestic emergency response efforts?
- Are there lessons to be learned from other organizations, military establishments, and/or governments that may be analyzed and applied to Title 10 and Title 32 military members to reach a consensus and develop “unity of effort?”
- Are there domestic emergencies so utterly catastrophic that a unified response under the auspices of “unity of effort” may include the support of federal reserve forces?

In addition to guiding the research of this thesis, these research questions have been formulated to answer hypotheses that underscore a need for unity of effort by emphasizing the importance of relationship building.

### **C. HYPOTHESES**

Unity of effort has not been achieved in the homeland among mission partners and solutions may exist that can be applied to build trust and strong partnerships to enhance unified disaster response operations. The stronger relationships and partnerships are before an incident occurs, the more effectiveness and unity for response operations will increase during and after an incident. As many in the homeland security apparatus say, it is not prudent to exchange business cards on the battlefield. Much of the solution to building a unified response is creating opportunities for leaders of organizations and their staff to meet, train and exercise regularly with each other. However, before this can occur, a top-down leadership decision must exist to do so. While opportunities for homeland security professionals to train and exercise together do exist, it is necessary to have an increased emphasis on specifically creating synergy among T32 and T10 military members who may be called upon for domestic emergency response operations. A top-down approach from leadership within the DoD, the National Guard, state Adjutants Generals and state governors is necessary given the unpredictable nature of the next emergency or disaster. While synergy may exist among T10 and T32 members of the military in select states because of joint experiences responding together to incidents or through exercises, not all states and localities share this experience. To develop a crosscutting, all encompassing sense of unity, a policy shift must occur that impacts cultural dynamics that challenges disparate points of view among the active duty and reserve component personnel. Legislation cannot be adopted to force a culture shift; this will not work, as this is a leadership and cultural issue that can be solved with increased emphasis on partnership and trust.

Identifying the significance of this research supports the hypotheses and outlines the importance of researching a layered approach focused on relationships and operational structures to create unity out in the homeland.

## **D. SIGNIFICANCE OF RESEARCH**

This thesis contributes to the ongoing efforts among the homeland security community to develop unity of effort. Although an abundance of guidance, directives and statutes exist to help members of the military understand unity of effort conceptually, little has been done to establish a comprehensive, long-term construct to forge trusting relationships to ensure unity of effort during a disaster response in the homeland. Real initiatives are currently underway with leadership from the DoD, USNORTHCOM, the National Guard and state governors that could help turn the tide in this regard. This thesis helps fill the knowledge gap among these organizations, the military members and civilians at the federal, state and local levels so that all can better understand each other's viewpoint to build trust to create unity. Potential consumers of this thesis would be personnel in the DoD Office of the Secretary of Defense Homeland Defense and America's Security Affairs (OSD HD&ASA), USNORTHCOM, the National Guard Bureau, the DHS Intergovernmental Affairs, the Federal Emergency Management Agency, the National Governors Association, the Council of Governors, other state governors and local authorities.

The significance of this research as projected in the hypotheses are addressed and confirmed by examining other examples in which unity of effort has been established and is benefiting the mission partners and success of the missions at large. The method section explains those samples and constructive comparisons.

## **E. METHOD**

The research for this thesis is based on current policy initiatives and case studies. The intent of analyzing case studies is to show that unity of effort can be accomplished and that identifiable means or lessons could be applied and help the unity of effort dilemma in the homeland, specifically among the DoD, National Guard and state governors. The case study approach helps address the knowledge problem currently missing in other research and in the reality of domestic response. The case studies for constructive comparison are as follows.

- Assess successful unity of effort operations from a local perspective. The state of Florida has been recognized for its ability to coordinate first-responder mission partners for emergency operations. The unity that has been created at the state level among partners who normally operate under different chains of command may yield recommendations and correlations applicable to Title 10 and Title 32 military members who support civil authorities. Advantages exist to assessing Florida given that they are also operating in the homeland and face similar jurisdictional issues similar to federalism that faces Title 10 and Title 32 military.
- The next case study focuses on unity of effort found in the Israeli Defense Force Home Front Command and civil defense operations. The Home Front Command focuses on the chain of command under one single command structure to maintain unity of effort among the many mission partners called upon to support civil defense operations in the State. USNORTHCOM and the National Guard currently share a partnership with the Israeli Defense Force to learn from their experience in civil defense so extending their learning to unity of effort is credible.

The case studies cover a range of factors including the U.S. local and state perspective, a foreign government policy comparison, response to natural disasters and response to attacks. These case study samples yields applicable lessons that emphasize relationship building and a synchronized unified response structure, which will be helpful to the DoD, National Guard and state governors to develop an operational unity of effort in the homeland.

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## **II. LITERATURE REVIEW**

Books are not made to be believed, but to be subjected to inquiry.

– Umberto Eco, *The Name of the Rose*

### **A. INTRODUCTION**

This literature review addresses statutes, directives and policy that attempt to indoctrinate unity of effort, as well as scholarly works that try to identify means in which the U.S. military, both Title 10 federal forces and Title 32 National Guard, can develop unity of effort. Two key events in U.S. history, the attacks on 9/11 and Hurricane Katrina dramatically changed the way the United States considers protection of the homeland and domestic emergency response. Influential and thought-provoking work by tireless stewards in the homeland security enterprise have produced countless initiatives and recommendations since these devastating events to enhance how the U.S. military can better respond to emergencies, manmade or natural, in the homeland. This literature review is an attempt to consolidate those works to characterize the breadth of information available that addresses the use of military in domestic response operations, the concept of unity of effort and/or the need to implement unity of effort among Title 10 federal forces and Title 32 National Guard.

### **B. UNITY OF EFFORT AND THE ROLE OF UNITED STATES ARMED FORCES ADDRESSED IN STATUTES**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.S. 5121-5206, gives the President the authority to direct federal capabilities from various federal agencies to provide assistance to states in the wake of an emergency or major disaster. It is important to highlight what defines an “emergency” or “major disaster” according to the Stafford Act:

‘Emergency’ means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

‘Major disaster’ means any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby. (Federal Emergency Management Agency, June 2007, p. 2)

When a Stafford Act declaration is made under either one of these defining terms, emergency or major disaster, a Presidential declaration follows to formally call on resources among federal agencies to respond and support states, some of which may be Title 10 military forces (Federal Emergency Management Agency, 2008). That being said, a nuance with the Stafford Act exists that states that Title 10 military members may support a state prior to a declaration being called up. The Immediate Response Authority is technically not found in statute but allows local commanders on military installations to support civil authorities with the same means that fall under the Stafford Act (Elsea, 2006). “Joint Publication 3-28, Civil Support, sanctions immediate response authority...This policy is limited, restrictive, and conditional” (Center for Army Lessons Learned, 2010). Preceding an incident, this immediate authority is based on an agreement, whether verbal or formalized in a Memorandum of Agreement (MOA), between a city or community and a local installation commander.

The Economy Act, 32 U.S.C 1535-1536, deals with the financial transactions involved during emergency response efforts and authorizes a lead federal agency during a domestic disaster incident to call upon the DoD for support and goods on a reimbursable basis (U.S. Code, 2001). The Economy Act does not discuss unity of effort, per se, but it does create the financial framework for agencies to work together and support each other in a time of need. Similarly, Code of Federal Regulations (CFR) Title 44, Section 206.8, instructs the reimbursement process to federal agencies where federal personnel are supporting a disaster response. CFR Title 44, Sec 206.8 outlines the types of support and expenditures that fall under reimbursement (vLex, 2007).



President Ronald Reagan signed Executive Order 12656, Emergency Preparedness and Response Responsibilities, in 1988 “to have sufficient capabilities at all levels of government to meet essential defense and civilian needs during any national security emergency” (Presidential Executive Orders, 1988). The Executive Order 12656 establishes that various federal agencies, including Defense, Commerce, and Agriculture among others, will “respond adequately to all national security emergencies” according to requisite responsibilities during a national emergency (Presidential Executive Orders, 1988). DoD responsibilities include but are not limited to military mobilization and support to civilian authorities.

The Posse Comitatus Act (PCA), 18 U.S.C. 1385, stipulates that Title 10 U.S. military, Army and Air Force members, are prohibited from performing law enforcement functions except when permitted by the Constitution or statute, and if PCA is violated, the consequence is punishment by fine or imprisonment. Such law enforcement functions under PCA include search, seizure, arrests, apprehension, and interdicting vehicles (Elsea, 2006). A caveat statue to PCA is the Military Support for Civilian Law Enforcement Agencies, Title 10 U.S.C. 371-382, which gives the U.S. military the authority to assist state and local law enforcement agencies by “sharing information and expertise; furnishing equipment, supplies, and services; and helping operate equipment” (Federal Emergency Management Agency, 2008). It should be noted that National Guard members operating in state authority Title 32 status are exempt from the PCA (RAND Corp., 2010). PCA was first enacted in 1878 to protect military members who were being put in the uncomfortable position of taking orders from civil authorities who forced them to arrest fugitive slaves and take on a politicized role prior to the Civil War (Owens, 2005). Today, PCA is considered a protection measure for American citizens and their civil liberties to ensure Title 10 military members do not inappropriately use force.

Conversely, the Insurrection Act, 10 U.S.C. 331-335, stipulates that the President may employ Title 10 U.S. military into a state to suppress insurrections, rebellions and domestic violence, or to enforce state and federal laws. The Insurrection Act is a statute that may be used to counter the Posse Comitatus Act where Title 10 military may engage in law enforcement functions. Under the Insurrection Act, the National Guard may also

be federalized and put into Title 10 status for employment (Elsea, 2006). In addition to response missions following Hurricane Katrina, the National Guard were tasked with managing the civil unrest occurring in the wake of the disaster; however, the Insurrection Act was not invoked to address this issue.

A specific statute deals with the U.S. military support for hurricane reconnaissance. Public Law 102-567, under 15 U.S.C. 15, Section 313, states that the Secretary of Commerce and Secretary of Defense develop a “Hurricane Reconnaissance Program,” with the purpose of “collecting operational and reconnaissance data, conducting research, and analyzing data on tropical cyclones to assist the forecast and warning program” (15 USC 313, 2005). While this statute is not specific to unity of effort, it does add to the list of authorities currently in place for the U.S. armed forces to support civilian authorities and other federal agencies.

These statutes are imperative to authorize the DoD to support a state or other federal agency during a time of need; that being said, none of the above directly addresses how unity of effort is related to the authority provided therein. In some ways, these statutes either add to the confusion or lead to more uncertainty regarding how Title 10 and Title 32 military members work together during domestic emergency response operations, which further complicates reaching unity of effort.

### **C. UNITY OF EFFORT ADDRESSED IN POLICY AND DIRECTIVES**

The National Response Framework provides the overarching policy by the DHS that guides the DoD in its support function during domestic emergencies or disasters (Department of Homeland Security, 2008). The National Response Framework Homeland Security Presidential Directive-5, Management of Domestic Incidents, otherwise known as HSPD-5 calls on the Secretary of Defense to:

provide defense support to civil authorities for domestic incidents as directed by the President or when consistent with military readiness, and appropriate under the circumstances and the law. The Secretary of Defense shall retain command of military forces providing civil support. The Secretary of Defense and the Secretary of Homeland Security shall

establish appropriate relationships and mechanisms for cooperation and coordination between their two departments. (Department of Homeland Security, 2009)

HSPD-5 has every intent to motivate federal agencies to work together to create a seamless “management” for domestic incidents; however, it is difficult to grasp what tangible actions must be done within these agencies to reach unity of effort.

The 2003 Homeland Security Presidential Directive-8, National Preparedness, focused on the synchronization of planning efforts and was replaced by the Presidential Policy Directive or PPD-8, National Preparedness, in March 2011. PPD-8 emphasizes an “all-of-nation” approach to emergency response in the homeland by establishing a national preparedness goal and system “aimed at strengthening the security and resilience of the United States through systematic preparation” (Department of Homeland Security, 2011). PPD-8 makes special note regarding the use of military forces and states that:

Nothing in this directive shall limit the authority of the Secretary of Defense with regard to the command and control, planning, organization, equipment, training, exercises, employment, or other activities of Department of Defense forces, or the allocation of Department of Defense resources. (Department of Homeland Security, 2011)

PPD-8 focuses on the lead role of the DHS and directs the Secretary of Homeland Security as being responsible for developing the national preparedness goal, as well as “coordinating the domestic all-hazards preparedness efforts” for federal, state, local and private and nongovernmental partners (Department of Homeland Security, 2011). While PPD-8 certainly sets new guidelines and objectives for the DHS to develop an “all-of-nation” approach in which state, local and federal entities are working together, no mandate exists to require such actions in achieving a national preparedness goal.

In 2007, the Department of Defense Homeland Defense and Civil Support Joint Operating Concept (JOC) was created to address “a complex and uncertain global security environment characterized by a combination of persistent and emerging threats to the Homeland” (Department of Defense, 2007, p. ii). The Secretary of Defense, Chairman of the Joint Chiefs and Commander of USNORTHCOM signed and approved the JOC to set guidelines that would support new and forthcoming requirements from the

DoD for a DSCA mission. Section 4.b. of the JOC concentrates on unity of effort and addresses four “seams of uncertainty” in which the DoD would use strategic principles to produce effective domestic operations. The principles as outlined in the JOC are agility, decisiveness and integration. While the explanation and direction under these principles is valuable and prescriptive, the realistic means for executing these principles to close the gaps and seams of uncertainty might still be questioned. Meaning, words and definitions can be effective in as much as they are implemented.

Similarly, DoD Directive 3025.1, Military Support to Civil Authorities (MSCA), codifies the support function of the U.S. military for domestic emergencies, “by which DoD components will plan for and respond to requests from civil government agencies in times of major disasters or emergencies” (Buchalter, 2007). It is worth mentioning that additional directives provide DoD guidelines that fall under MSCA support missions. DoD Directive 3025.12 deals with “Military Assistance for Civil Disturbances” (Department of Defense, 1994). In addition, DoD Directive 3025.15 further outlines the “Military Assistance to Civilian Authorities” role that may fall outside the scope of an emergency in Directive 3025.1 (Department of Defense, 1997). Lastly, the DoD Directive 5525.5 outlines the responsibilities of the DoD in “Cooperation with Civilian Law Enforcement Officials” (Department of Defense, 1989).

The MSCA or most often referred to as the DSCA mission is led by USNORTHCOM for all federal military response efforts in a domestic incident. USNORTHCOM defines the missions of supporting civil authorities as “domestic disaster relief operations that occur during fires, hurricanes, floods and earthquakes... counter-drug operations and managing the consequences of a terrorist event employing a weapon of mass destruction” (U.S. Northern Command, 2010). For each of the mission areas, either instructions or directives on the role and responsibility of Department of Defense personnel exist.<sup>1</sup> For example, for fire support , DoD Instruction 6055.06 outlines the supporting role and guidelines under the Fire and Emergency Services Program (Department of Defense, 2006). Moreover, for counterdrug operations, the

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<sup>1</sup> Of note, in accordance with the Commission on the National Guard and Reserves recommendation, the DoD is currently updating DoD directives related to MSCA and DSCA.

Chairman of the Joint Chiefs of Staff Instruction on “DoD Counterdrug Support” provides clear guidance for USNORTHCOM when conducting support operations for U.S. law enforcement agencies (Department of Defense, 2008). USNORTHCOM DSCA support missions can range in size and capability, from the 2004 ricin contamination incident in the Senate Dirksen Office Building, to providing Navy search and salvage divers to the 2007 Minnesota bridge collapse, to Hurricane Gustav pre and post landfall recovery missions in 2008 (U.S. Northern Command, 2010). The March 2004 Directive for Strategic Planning outlined by the DoD included the Strategy for Homeland Defense and Civil Support, which focuses on four areas for homeland defense: emphasize respect for America’s constitutional principles; adherence to Presidential and Secretary of Defense guidance; recognition of terrorist and state-based threats to the United States; and commitment to the continued transformation of U.S. military capabilities (Department of Defense, 2005).

Although necessary for giving direction and guidance, the internal DoD directives and policy documents do not explain how the DoD can effectively develop unity of effort with its homeland security partners.<sup>2</sup> Much of the current information and guidance is directly related to the concept of unity of effort but the emphasis is lacking and may not be intuitive. Meaning, unless an individual is fairly familiar with the policy and directive numbers, it would be difficult to find, understand and then apply these guiding principles to unity of effort. The “how” factor is missing among these documents and further knowledge and understanding must be acquired among DoD heads in consultation with homeland security stakeholders to strike a balance on unity of effort.

#### **D. UNITY OF EFFORT ADDRESSED IN ACADEMIC LITERATURE**

The Center for a New American Security (CNAS) partnered with the former commissioners of the Commission on the National Guard and Reserve (CNGR) to propose solutions on the future use of the National Guard and Reserves in “An Indispensable Force: Investing in America’s National Guard and Reserves” (Nagl &

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<sup>2</sup> Recent developments in the DoD to address guidance on unity of effort in consultation with other homeland security stakeholders at the state and federal levels is addressed in Chapter III.

Sharp, 2010). The report acknowledges that because the “American public holds a zero tolerance attitude toward delayed or mismanaged disaster response by the federal government,” the U.S. government should “urgently” take various actions to “protect the homeland” (Nagl & Sharp, 2010, p. 19). One of the key objectives is the “contentious issue of command and control” between the DoD and the National Guard as it relates to achieving unity of effort. The report specifically describes the obstacle as one grounded in “jurisdictional debates and bureaucratic turf battles” (Nagl & Sharp, 2010, p. 19). Although the report offers recommendations and pointedly addresses the difficulty of striking a balance between state and federal equities, it is unknown whether the means prescribed to solve the “debates and battles” will be adopted so that unity of effort may be reached. Much like the Commission on the National Guard and Reserve, this follow-on CNAS report may make waves within the DoD for action but only time will tell.

In “Managing the Next Domestic Catastrophe: Ready (or Not?),” Wormuth and Witowsky acknowledge the NRF and the vast number of documents, directives and efforts that have been made since 9/11 by multiple organizations, at state and federal levels, to define and develop a national approach to domestic emergency response (2008, p. VI). In addition, like many other reports, their recommendations for unity of effort, although valid, have either not been acted upon or if acted upon have not solved the problem of unity of effort in the homeland. In concurrence with Wormuth and Witowsky, the above mentioned statutes, policy and directives offer written guidance regarding the federal military role and mission to support civil authorities in a domestic emergency; however, uncertainty and debate over the use and command and control of federal military forces within a state remain unresolved because unity of effort among mission partners has not been reached. In the same vein as Wormuth and Witowsky’s work, “Threats at Our Threshold,” compiled thought-provoking pieces by the leading homeland security experts in the United States from the First Annual Homeland Defense and Homeland Security Conference in 2007 (U.S. Army War College, 2008). “Threats at Our Threshold” addresses unity of effort, the use of military in the homeland and reforming policy all the same but it is difficult to assess what concrete actions have been taken

because of this academic insight. Thus, the question remains, what will it take for the DoD, USNORTHCOM, the National Guard and state governors to reach a consensus on unity of effort?

In the Gilmore Commission's Fifth Annual Report to the President and Congress, "V. Forging America's New Normalcy: Securing Our Homeland, Preserving our Liberty," one of the key guiding actions is to define clearly the "roles, responsibilities and the acceptable use of military domestically that strengthens the National Guard and Federal Reserve Components for any domestic mission" (The Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, 2003). The Gilmore Commission identified a clear requirement for additional information on the delineation of responsibilities for the military during domestic incident response efforts not currently recognized in policy and statute. While the Gilmore Commission provides constructive recommendations, the identification of the need alone does not resolve the problem. As many reports conducted either by think tanks, the GAO or various commissions and advisory panels, recommendations do not necessarily lead to actions with positive results.

Some people believe legislation must be enacted to create unity of effort among homeland security stakeholders. Birmingham, Brandt and Salo (2003) recommended that Congress create legislation, "given the challenges facing the interagency process, there needs to be legislation providing a clear blueprint mandating continuous transformation toward integration of interagency capabilities" (Birmingham, Brandt, & Salo, 2003, p. 15). Similar to the overhaul of Goldwater-Nichols, Birmingham, Brandt and Salo believe that the interagency requires Congressional intervention to mandate that organizations work together to achieve unity of effort. In addition to the legislation, they recommend a new organization be created to address the interagency process, the National Interagency Organization. While parallels can be drawn to Goldwater-Nichols and the necessity to reshape how organizations work together, the recommendation for a Congressional mandate is a solution that does meet considerable opposition among stakeholders and does not consider states as part of the interagency. It is commonly said that domestic emergencies begin as local emergencies so part of the quandary with unity of effort is

developing a way in which the local and state perspective can be incorporated into the interagency to achieve unity of effort. Congressional mandates do not impact all homeland security stakeholders at the state level, which may only lead to consternation among the federal partners.

A school of thought exists that amending current statutes or directives may help Title 10 and Title 32 military members deal with state sovereignty issues to synchronize military assets better for domestic emergency response. Liberato found that various DoD policies and directives must be amended to address new defense support to civil authorities (DSCA) challenges. Liberato recommended creating a new structure or framework of Title 10, Reserve and National Guard military members as a Civil Support Expeditionary Force (CSEF) to address these issues. He argues that one benefit of a CSEF is the geographical or regional dispersal of forces to respond to incidents better in a timely manner (Liberato, 2007). The merits of a regional force were recognized by the DoD with the establishment of the Homeland Response Force (HRF) in each Federal Emergency Management Agency (FEMA) region, which is currently being implemented (Garamone, 2010). It is worth noting, however, that prior to the HRF, the DoD had created two out of three Chemical Biological Radiological Nuclear Explosive (CBRNE) Consequence Management Force (CCMRF) structures, which were a mix of Title 32 and Title 10, active and reserve forces, that were regionalized but not specifically defined by the 10 FEMA regions. The CCMRF structure was very much in keeping with Liberato's suggested construct as a means to develop unity of effort because of the Title 32 and Title 10 mix. Due to various reasons assessed during the 2010 Quadrennial Defense Review, the DoD decided to convert the CCMRF structure into the new HRF construct comprised of only Title 32 National Guardsmen. A Title 10 Active Duty force called the Defense CBRN Response Force (DCRF) exists to augment the Title 32 HRF forces but they are separate forces entirely. This new construct for regional dispersion and allocation of the National Guard to the mission followed a recommendation made in the 2010 Quadrennial Defense Review (Garamone, 2010). Although Liberato's recommendation for a regional force has come to fruition, the opportunity to develop unity of effort through a mix of Title 10 and Title 32 military members in this construct is yet to be determined.



Wessman also recommends creating a new structure or framework of personnel to develop unity of effort (Wessman, 2007). In 2007, Wessman found that interagency coordination had improved since Hurricane Katrina but that issues remained and a new construct to bring homeland security stakeholders together was needed. He based the new construct on that of Joint Interagency Task Force South (JIATF-S), which is under the command of U.S. Southern Command and synchronizes multiple federal components within the command and control structure. Wessman believed that by physically combining multiple organizations that have equities in domestic emergency response that unity of effort would eventually be reached. Some people may agree that Wessman's concept of replicating the successful organization of JIATF-S for homeland security purposes is sound; however, USNORTHCOM has already implemented a similar interagency coordination construct. Over 40 representatives in USNORTHCOM represent more than 60 agencies in domestic emergency response, ranging from the Red Cross to FEMA. Each representative is part of the USNORTHCOM Joint Interagency Coordination Group (JIACG), a stand-alone directorate within the command. Also, over 40 National Guardsmen are full time at USNORTHCOM, including senior positions within the command, such as the Deputy Commander of USNORTHCOM (NORAD & USNORTHCOM, 2011). While this interagency and National Guard representation has improved overall coordination and communication, state sovereignty and federalism are factors that JIATF-S does not face as frequently in its area of operations. Wessman appropriately points out that the USNORTHCOM JIACG is not a deployable force for emergency response, however, Joint Task Force-Civil Support (JTF-CS) is a subordinate command of USNORTHCOM and has a deployable element led by a 2-star National Guard officer with a mix of Title 10 and Title 32 military personnel. With the integration of federal agency representatives and National Guard into USNORTHCOM, the command has as many if not more interagency partners than JIATF-S. Thus, replicating the JIATF-S model as Wessman posits may be overcome by efforts made by the command.

Similar to developing a new organization structure, Burkett assessed that implementing a dual-status command and control structure would help lead to increased unity of effort in domestic emergency response efforts (Burkett, 2008). Burkett provides the requisite background on the four kinds of command and control structures currently available in the homeland depending on the incident; state command, parallel command, dual-status command, and federal command. Burkett recommends that dual-status command “addresses the unity of effort dilemma directly” because Title 32 National Guard and Title 10 military personnel would report to one commander under one, unified command structure (Burkett, 2008, p. 134). While many advantages exist to the dual-status structure that appease both state and federal equities, one might gather that the certification process and gubernatorial approval from every state governor that Burkett proposes will take a considerable amount of time and will be challenging to achieve in and of itself. Burkett acknowledges that this process may take some time but does not suggest an idea on how the process could be expedited. That being said, in 2008, Burkett was unaware that Congress and the President would create a “Council of Governors” that would address dual-status command in partnership with the National Guard Bureau, DHS and the DoD. To Burkett’s credit, progress has been made among these equities on this command and control structure; however, much remains to be done to operationalize and test the dual-status command structure in a real-world event. In addition, Burkett acknowledges state sovereignty and federalism but does not discuss how other partners in the debate, such as members of Congress and lobbying associations, contribute to the command and control dialogue.

Church suggests that interdisciplinary education can resolve the issue of creating unity of effort among homeland security professionals. Church makes a good argument for increased emphasis on education; however, she does not address how the political discourse and command and control concerns fit into the interdisciplinary education method (Church, 2010). Similarly, Norris also suggests using education, specifically Professional Military Education (PME) courses, as an end-road to tackle the command and control, unity of command and unity of effort issues between Title 32 and Title 10 military. While Norris does an excellent job of framing the conflicting perspectives on

these issues, room exists for further research on how to include the political, federal and the state paradox at play that impacts the overall process of attaining unity of effort (Norris, 2008).

Some people believe that a better training and exercise program will create more unity of effort between Title 32 and Title 10 military members. Austin aptly summarizes the DSCA mission as it was executed during Hurricane Katrina and recommends, “USNORTHCOM must ensure the integration of both Active duty, National Guard and Reserve components capabilities into pre-event exercises and on scene operational planning for catastrophic events” (Austin, 2007). USNORTHCOM Training and Exercise Program currently incorporates many National Guard from states who participate in exercises each year, including Ardent Sentry and Vibrant Response (Anderson, 2011). Although relationships are fostered by training and exercise opportunities between Title 10 and Title 32, a sustained and operational unity of effort has yet to be accomplished and implemented beyond the training and exercise environment.

## **E. SUMMARY**

The statutes, policy and directives that authorize and outline the role of federal U.S. Armed Forces in the homeland do not adequately incorporate how to operationalize the concept of unity of effort. By their very nature, they provide the conditions to the domestic use of the military and the concept of unity of effort; however, they do not prescribe methods on reaching unity of effort while following these authorizing and guiding principles. The scholarly and academic literature offers recommendations on unity of effort, and although abundant, the literature does not fully address the execution phase or “how” unity can be accomplished. Recommendations, no matter how insightful and true, do not produce positive outcomes unless an effort to act upon them exists. The politics at play and competing interests of federal and state sovereignty is acknowledged in some of the literature; however, this factor is significant to acting upon recommendations to create unity of effort. A clear knowledge problem still exists, not only among homeland security stakeholders, but within the organizations that support

defense support to civil authorities' response efforts as well. Further research must be conducted to consolidate the varying schools of thought regarding unity of effort to address this knowledge problem.

Chapter III will concentrate on the history of the debate on unity of effort and command and control. The research conducted and information provided in this thesis has not been documented previously primarily because events are still unfolding as the research is being conducted. Thus, the knowledge gap currently at hand is addressed by offering the reader a range of views from various sources and organizations that have been engaged on this subject. The confounded history of building unity of effort among Title 32 and Title 10 military members is a core reason as to why it has not been reached; thus, the history and perspectives are vital to appreciating the intricacies of the issue fully to move forward.

### **III. THE STATE OF PLAY ON UNITY OF EFFORT**

The conduct of war resembles the workings of an intricate machine with tremendous friction, so that combinations which are easily planned on paper can be executed only with great effort.

– Carl von Clausewitz

#### **A. INTRODUCTION**

Over the past several years, the concept of unity of effort has received an increasing amount of attention among senior officials from the DoD, USNORTHCOM, the National Guard, state governors and Congress, among others. Many reasons exist why unity of effort has received more attention but the aftermath of Hurricane Katrina was the catalyst and reminded Americans that synchronization among mission partners, specifically U.S. military forces, is essential to ensure successful response operations when tragedy strikes. One contributing factor to writing this thesis is the opportunity to provide substantive information about developments to create unity of effort and the advances that have been made toward the current state of affairs among said mission partners. The following background information and historical summation is meant to inform the reader of multiple perspectives from various mission partners who have contributed greatly to the dialogue on how to create unity of effort for the U.S. military in the homeland. Understanding and appreciating the history of this issue is critical for mission partners to move forward in a positive and constructive manner.

#### **B. BACKGROUND ON THE MILITARY COMPONENTS: ACTIVE AND RESERVE**

First, it is important to separate the manpower for each component. The active component of the armed forces consists of the following: 566,045 in the Army; 328,303 in the Navy; 202,441 in the Marine Corp; and 334,196 in the Air Force (Stanley, 2011). The reserve component of the United States Armed Forces consists of both National Guard and federal reserve personnel, and according to the Office of the Secretary of Defense for Reserve Affairs, the Ready Reserve manpower total consists of 1.1 million members (Stanley, 2011). Of the total 1.1 million members in the Ready Reserve, there

are 363,995 Army National Guard; 106,643 Air Force National Guard; 205,849 U.S. Army Reserve; 64,677 U.S. Navy Reserve, 39,949 Marine Corps Reserve and 70,359 U.S. Air Force Reserve personnel living in communities around the United States (Stanley, 2011).

It is also important to distinguish the difference in authorities related to command and control among Title 32 National Guard, Title 10 Active Duty and Title 10 federal reserve forces. National Guardsmen, under Title 32 of U.S. Code, serve at the request of a state governor and may respond to an incident or disaster in active duty or state active duty if called upon (U.S. Code Title 32). In contrast, the active duty and federal reserve forces serve under the authority of the President and the Secretary of Defense (U.S. Code Title 10). Although federal reserve units reside within any given state, these forces are not under the control of a governor; rather, as federal military members, the President has command and control authority.

To provide more context regarding command and control of forces in the homeland, the following figure represents when a governor and the President may be in command and control of the National Guard in Title 32 status and federal forces in Title 10 status.

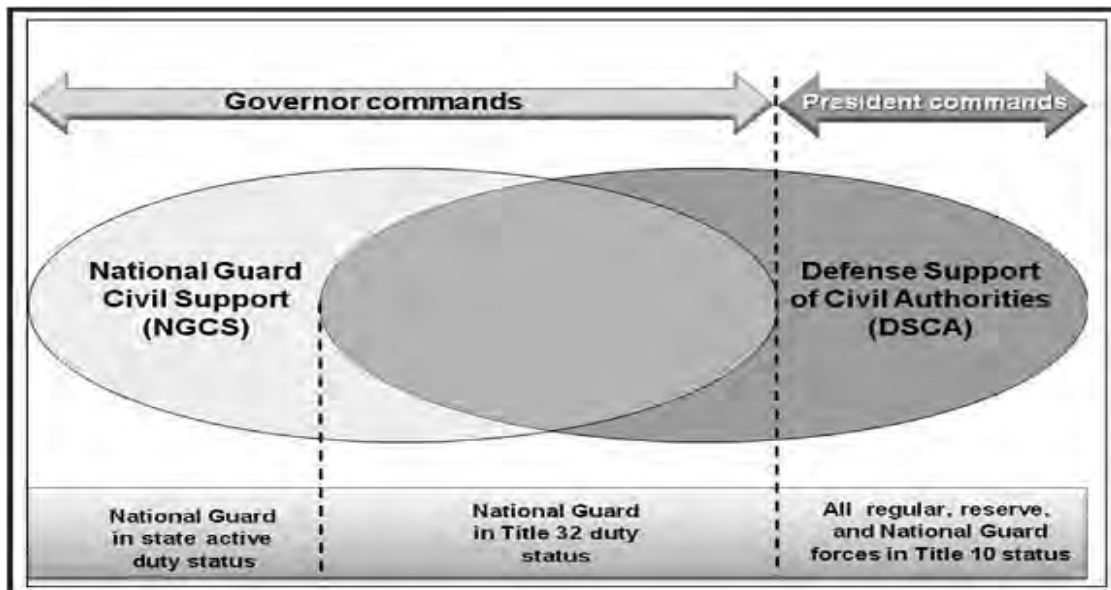


Figure 1. Command and control of military (From: Center for Army Lessons Learned, 2010)

In the end, federalism is a cornerstone of the U.S. government with exclusive and shared responsibilities at the national and state levels. Federalism and state sovereignty then dictates how military members, both federal and state, are commanded in the homeland and by whom.

### **C. CONCERNS AND DEBATE THAT HAVE IMPACTED DIALOGUE ON UNITY OF EFFORT**

Relevant history has impacted how Title 10 and Title 32 military members coordinate and communicate both before and during domestic emergency operations. Admiral James Winnefeld, Commander of U.S. Northern Command, appropriately stated during his April 2011 hearing before the Senate Armed Services Committee, “there has been some historical friction between the State governments and the Federal Government regarding command and control of military forces inside a State in the wake of a disaster” (Senate Armed Services Committee, April 5, 2011, p. 9). As previously stated, Hurricane Katrina was a catalyst to much of the recent history and tension to create unity of effort.

It has been said that following Hurricane Katrina, the Bush Administration felt that the federal government needed access to National Guard to better respond to disasters in the homeland. President Bush wanted to federalize Louisiana National Guard in the days after Hurricane Katrina and former Governor Kathleen Blanco “refused to relinquish command” (Peterson, 2007). It is understood among some circles that the DoD pressed for a proposal to change the Insurrection Act to federalize the National Guard; however, this does not seem to be the intention of the proposal or the DoD. The Bush Administration, through the DoD, submitted a proposal to Congress with the intention to clarify the conditions of when the President can invoke the Insurrection Act to include a response to natural disasters or terrorist attacks. The House Armed Services Committee included the proposal in their version of the FY07 National Defense Authorization Act but unfortunately, the DoD proposal neglected to exclude National Guard from the request to access reserve forces in response to disasters. In May 2006, it has been said that the Senate Armed Service Committee Report accompanying S. 2766 for the FY07 National Defense Authorization Act attempted to rectify the mischaracterization by stating “the committee recommends a provision that would amend chapter 15 of title 10,

United States Code, the so-called 'Insurrection Act,' to clarify and update the statute” (Senate Armed Services Committee, 2006). The Committee Report references Hurricane Katrina specifically as rationale to amending the conditions of the Insurrection Act and states “the antique terminology and the lack of explicit reference to such situations as natural disasters or terrorist attacks may have contributed to a reluctance to use the armed forces in situations such as Hurricane Katrina” (Senate Armed Services Committee, 2006). In June 2006, several state governors raised this notion of federal control over National Guardsmen on Capitol Hill and voiced their concern about such access to state guard forces (Peterson, 2006). Many felt that governors had essentially been cut out of the legislative process and should have been consulted by the DoD before the proposal was sent to the Capitol Hill. Before the Commission on the National Guard and Reserve, former Governor Ruth Ann Minner spoke on behalf of the National Governors Association and said, “we have serious concerns over the repeated lack of consultation between the Department of Defense and the governors” (Peterson, 2006). In the end, Congress amended section 331 of Title 10, U.S. Code of the Insurrection Act in the John Warner National Defense Authorization Act (NDAA) for Fiscal Year 2007 (Public Law 109-364). The amendment to the Insurrection Act added incidents including “natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident” as conditions under which the President may employ military “including the National Guard to Federal Service” if he determines that “authorities of the state or possession are incapable of maintaining public order” (10 U.S.C. §§ 331-335).

It is fair to say that state governors and the National Guard community did not agree with the amendment to the Insurrection Act and the situation was characterized by Brig Gen (Ret) Richard Green of the National Guard Association of the United States (NGAUS), “these events represent a continued lack of coordination among Pentagon officials, the Guard and governors” (Green, 2006). The Senate National Guard Caucus co-chairs, Senator Leahy from Vermont and Senator Bond from Missouri, held a news conference following the conference report of the FY07 National Defense Authorization Act (NDAA) to protest the decisions made in the bill. In a prepared statement, they shared their concern that the changes to the Insurrection Act would be “a sizable step



toward weakening states' authority over their Guard units" (National Guard Association of the United States, 2006). The National Governors Association and the National Guard Community, including NGAUS and the Adjutants General Association of the United States or AGAUS, sought support from Congress and the Senate National Guard Caucus to repeal the amendment.

The next year, Senators Leahy and Bond introduced legislation to repeal the amendment made to the Insurrection Act. They were successful and Section 1068 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) returned the Insurrection Act to its previous language. Although the changes to the Insurrection Act had been repealed, bridges were seriously burned between state governors along with the National Guard and the DoD. From this point forward, governors and the National Guard community were skeptical about the intentions of the DoD regarding the use and command and control of military, active or reserve, in the homeland.

#### **D. COMPETING INTERESTS AND LEGISLATION REGARDING COMMAND AND CONTROL OF MILITARY FORCES IN THE HOMELAND**

Parallel and competing efforts to introduce legislation regarding command and control of military members for disaster and emergency response in the homeland have occurred. On one side, members of Congress from both the House and Senate, have co-sponsored and introduced versions of a "National Guard Empowerment Act" for several years. One section of the act would mandate governors have tactical control or TACON over Title 10, active and reserve, military members operating in their respective states. In addition, on the other side, the DoD has pursued changes to Title 10, Section 12304 of U.S. Code to give the Secretary of Defense the authority to involuntarily call up Title 10 federal reserve military members to respond to disasters and emergencies in the homeland. Although, these are seemingly separate and distinct actions, these legislative positions have been fundamentally at odds and have been the core issues preventing these mission partners from reaching a compromise on unity of effort. Admiral James Winnefeld characterized the command and control dynamic during testimony before the Senate Armed Services Committee, "understandably, the State governors would like to

have control because they are sovereign States; and also understandably, the Federal Government believes it has a vested interest in Federal forces being used legally, ethically, safely, and cost- effectively” (Senate Armed Services Committee, April 5, 2011, p. 9). Ultimately, it is difficult to create unity when the parties involved are pursuing legislation counter to the other’s position, which hinders a compromise on a way forward. This chapter discusses each of these positions and legislation in more detail.

### **1. Tactical Control of Federal Forces**

The National Guard, National Governors Association, the U.S. House National Guard and Reserve Caucus and the U.S. Senate National Guard Caucus have been in mutual agreement that governors should have tactical control over Title 10 federal military forces for domestic emergencies or disasters within a state. In 2008, Senator Patrick Leahy and Senator Christopher “Kit” Bond, the co-chairs of the U.S. Senate National Guard Caucus, co-sponsored the “National Guard Empowerment Act and State-National Defense Integration Act.” Among the provisions in the bill, Section 7 pertained to “state control of federal military forces engaged in activities within the states and possessions” (Department of Defense, April 11, 2008). Senator Leahy and Senator Bond issued a “dear colleague” letter to fellow senators to garner support and co-sponsorship for the bill to be included in the Fiscal Year 2009 National Defense Authorization Act which stated, “the legislation ensures that the Nation’s Governors maintain tactical control over military forces, including active duty troops, operating in their home state during emergencies” (Bond & Leahy, 2008). The National Governors Association submitted letters of appreciation to the U.S. House National Guard and Reserve Caucus and the U.S. Senate National Guard Caucus for introducing the National Guard Empowerment Act with a provision on tactical control for governors and for their continued support to enact the provision (National Governors Association, 2008). The following year in 2009, the U.S. Senate Guard Caucus reintroduced the “National Guard Empowerment and State-National Defense Integration Act,” which again included a provision on tactical control for state governors over federal forces.

The DoD has strongly opposed this provision on tactical control over federal military forces in the National Guard Empowerment Acts. In letters sent to the Senate Armed Services Committee and House Armed Services Committee in April 2008, the DoD expressed the following:

Section 7 of S.2760 would require the Secretary of Defense to place Federal forces under the tactical control of the Governor of a State when responding to an emergency within the State. This is a constitutional issue and as such, the President's senior advisors would recommend that the President veto any bill sent to him that included this provision. Article II, Section 2 of the Constitution specifies that "The President shall be the Command in Chief of the Army and Navy of the United State, and of the Militia of the several States, when called into the actual Service of the United States." This section in effect would mandate that the President relinquish his command and control authority of the Armed Forces to a State official, which is contrary to the principles of the Federal system of government and the authority vested in the President. (Department of Defense, April 11, 2008)

The DoD has not wavered from this position. In essence, the DoD feels that giving a state governor tactical control of Title 10 active duty military infringes on the power and authority of the President. This issue of who has command and control over military forces was the same concern state governors had when the Insurrection Act was amended in the FY07 NDAA as it relates to Title 32 National Guard. Both sides, state and federal, do not want to relinquish authority over their respective forces and both have made those positions clear. Yet, a power struggle ensued as legislative agendas for increased authorities developed.

## **2. Call Up of Federal Reserve Forces**

The DoD has pursued amending Title 10, Section 12304 of U.S. Code for several years by submitting a legislative proposal to Congress with the intent to gain the authority to involuntary mobilize over 400,000 Title 10 federal reserve forces in response to a disaster or emergency in the homeland. Although Section 12304 of Title 10 U.S. Code permits the Reserve Component of the Armed Forces to respond to certain emergencies, the definition of a "certain emergency" pertains only to incidents when the United States

is attacked or if there is threat of an attack.<sup>3</sup> Unfortunately, some emergencies, such as natural disasters, fall outside the scope of this definition and can result in a significant loss of life or property where access to Title 10 federal reserve forces could provide additional support from the DoD.

The OSD HD&ASA has led the effort to draft, coordinate, submit, track and communicate the merits of the legislative proposal to Congress. Regarding the approval process to submit a proposal to Congress, it should be noted that the Office of Legislative Counsel in the DoD coordinates every legislative proposal with the Office of Management and Budget (OMB), which “ensures that proposal legislation is acceptable to Federal Departments and Agencies in the Executive Branch and that it embodies the Administration’s Policy objectives” (Office of Legislative Counsel for the Department of Defense, 2010). The DoD submitted legislative proposals for Call Up of the Federal Reserve with approval and clearance by OMB in FY08, FY09, FY10 and FY11. By virtue of clearance from the Office of Management and Budget, this change to Title 10, Section 12304 has been supported by both the Bush Administration and Obama Administration (Department of Defense, 2010). Indeed, other government organizations have recommended amending Section 12304 as well.

Revising Title 10, Section 12304 to expand access to the armed forces in the federal reserve in the wake of a disaster has either been explicitly recommended or implicitly encouraged by multiple arms of government and executives who serve in government. Following Hurricane Andrew in 1993, the GAO conducted an investigation and issued a report entitled, “Disaster Assistance: DoD’s Support for Hurricanes Andrew and Iniki and Typhoon Omar” (Government Accountability Office, 1993). Among the core findings in the report to Congress, the GAO documented a “need to increase the role of the reserves in disaster assistance operations” (Government Accountability Office, 1993, p. 25). Within the explanation of this finding, the GAO stated, “the reserves could take on a larger role in disaster relief because much of DoD’s combat support and combat

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<sup>3</sup> “Certain emergencies” are defined as, “(1) a use or threatened use of a weapon of mass destruction; or (2) a terrorist attack or threatened terrorist attack in the United States that results, or could result in significant loss of life or property”(10 USC 12304).

service-support capabilities is in the reserve components—particularly the Army Reserves—and it is this type of capability that is needed during disasters” (Government Accountability Office, 1993, p. 25). The GAO provided a specific example where a reserve unit could not support efforts during and after Hurricane Andrew. The GAO stated, “U.S. Army Forces Command wanted to activate the 841st Engineer Battalion—an Army Reserve unit located in Miami...However, because of legal requirements, the unit could not be ordered to active duty to provide disaster assistance” (Government Accountability Office, 1993, p. 26).

Similarly, the GAO conducted an investigation and review of operations after Hurricane Katrina in a report entitled, “Hurricane Katrina: Better Plans and Exercises Needed to Guide the Military’s Response to Catastrophic Natural Disasters” (Government Accountability Office, 2006). According to the GAO:

A key mobilization statute also affected the integration of the military response. Title 10 of the United States Code currently limits a unit or member of a reserve component from being involuntarily ordered to federal active duty for disaster response...As a result, all the Reservists who responded to Hurricane Katrina were volunteers. The process of lining up volunteers can be time consuming and is more appropriate for mobilizing individuals than it is for mobilizing entire units or capabilities that may be needed during a catastrophe. (Government Accountability Office, 2006, pp. 6, 27)

Indeed, the only issue documented in the section “Matter for Congressional Consideration” of the 2006 GAO Report concerned amending Title 10, Section 12304. The GAO stated:

In view of the significant military downsizing that has occurred since we first raised this matter [referring to the 1993 GAO Report on Hurricane Andrew] and the need to actively engage the total force in order to meet missions at home and abroad, we continue to believe that the Congress should consider lifting or modifying the mobilization restriction—10 U.S.C. 12304 (c)(1)—that limits reserve component participation in catastrophic disasters. (Government Accountability Office, 2006, p. 36)

In 2008, the Commission on the National Guard and Reserve (CNGR) issued a Final Report of Recommendations to the DoD and to Congress on how to improve the role of and support to the Reserve Component of the United States Armed Forces. “The

Commission believed that current mobilization authorities for federal reserve forces to respond to emergencies are insufficient and should be expanded” (Commission on the National Guard and Reserve, 2008, p. 112). The Commission on the National Guard and Reserve (CNGR) noted that the current authorities to access the Coast Guard could provide a good model for access to federal reserve forces and recommended that “Congress should amend the mobilization statutes to provide service Secretaries the authority to involuntarily mobilize federal reserve components for up to 60 days in a four-month period and up to 120 days in a two-year period during or in response to imminent natural or man-made disasters” (Commission on the National Guard and Reserve, 2008, p. 112). The U.S. Coast Guard may be called up involuntarily to respond to natural disasters under Title 14 of U.S. Code. This authority was utilized following the January 12, 2010 earthquake disaster in Haiti when Secretary Napolitano authorized up to 900 reserve U.S. Coast Guard in support of the U.S. government’s response to the devastation. In a DHS press release, Secretary Napolitano stated, “activating our reserve Coast Guard forces will expand our capacity to assist in aid efforts in Haiti” (Department of Homeland Security, 2010).

The Chairman of Senate Armed Services Committee, Senator Carl Levin, expressed his support during an exchange with Admiral James Winnefeld, Commander of USNORTHCOM, during an April 2011 committee hearing. Regarding the proposal for involuntary mobilization of Title 10 federal reserve forces, Senator Levin stated, “well, I would hope you would pursue that course, because it just doesn’t seem sensible to me not to have that capability...it can make a real difference in response to a disaster” (Senate Armed Services Committee, April 5, 2011, p. 9).

Although amending Title 10, Section 12304 to access federal reserve forces following a disaster or emergency has been widely encouraged or recommended to Congress by the GAO, the Commission on the National Guard and Reserve, the OMB, the Bush Administration, the Obama Administration, and the Chairman of the Armed Services Committee in addition to DoD officials and USNORTHCOM Combatant Commanders, uncertainties and concerns remain about the command and control of these forces. For the past several years, Congress has been reluctant to act and include the DoD

legislative proposal in the National Defense Authorization Act because of opposition raised by members of Congress, the National Guard, the National Governors Association and state governors.

#### **E. HISTORICAL ACCOUNT OF CONCERNS AND DEBATE ON THESE LEGISLATIVE INITIATIVES**

Many among the National Guard and state governors have been concerned that accessing Title 10 federal reserve forces may carry over to command and control of Title 32 National Guard within any given state. Indeed, distrust and skepticism drove opposition to the proposal to amend Title 10, Section 12304 given previous changes made to the Insurrection Act in the FY07 National Defense Authorization Act. Other reasons may exist, of course, but this notion has been shared publicly by governors and National Guardsmen and is detailed later in this section. It should be noted that many in the National Guard community and state governors acknowledged that although this authority does not apply to Title 32 National Guardsmen, they still oppose the proposal. In a letter to Senator John McCain of Arizona in 2008, the President of the Adjutants General Association of the United States, Major General Frank Vavala stated:

The Adjutants General Association of the United States (AGAUS) strongly opposes provisions of the House passed National Defense Authorization Act of 2009. Particularly Sections 591 and Section 594 that amends the Insurrection Act by expanding the authority of the President to order federal military reserve components (Army Reserve, Marine Reserve, Coast Guard Reserve, Air Force Reserve) other than the National Guard to Title 10 duty for domestic missions, including natural disasters and emergencies for which states qualify for federal funding under the Robert T. Stafford Act. AGAUS has concluded that these provisions are unwarranted and unneeded. (AGAUS, July 17, 2008)

The Commander of USNORTHCOM, General Gene Renuart and the Undersecretary for Personnel and Readiness, David Chu, submitted letters to the Senate and House National Guard and Reserve Caucus' to offer support and express that the proposal was only focused on access to Title 10 federal reserve forces and not the National Guard (Chu, 2008). In response to the growing opposition and concern, the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, Dr. Paul Stockton, wrote

a letter to every state governor in July 2009 to quell alarm and clarify why the DoD was seeking authority to access Title 10 federal reserve forces for disaster response in the homeland. Governor James Douglas of Vermont replied to Dr. Stockton's letter and wrote:

The proposal you suggest may have merit, but its consideration must be preceded by a discussion regarding the tactical control of forces serving inside a state in response to a disaster or emergency...We are concerned that the legislative proposal you discuss in your letter would invite confusion on critical command and control issues, complicate interagency planning, establish stove-piped response efforts, and interfere with governors' constitutional responsibilities to ensure the safety and security of their citizens. (National Governors Association, 2009)

To address any possible change in Title 10 Section 12304 to access federal reserve forces, the National Governors Association voiced their desire for tactical control of Title 10 military forces to eventually consider this legislative change to Title 10 Section 12304. According to policy set by the National Governor's Association in 2009 and again in 2011:

Unless or until governors are given tactical control over Title 10 active duty and reserve military forces engaged in domestic operations within their state or territory, or the use of Dual Status Command authorities are expanded to encompass no-notice events, governors support the congressional rejection of provisions to change the Insurrection Act to allow the President to call-up and domestically deploy federal reservists during the response to a domestic event. (National Governors Association, 2011)

While this policy by the National Governors Association highlights the governors' rejection of changes to the Insurrection Act, the proposed change in Title 10, Section 12304 previously submitted to Congress does not suggest changes to the Insurrection Act or control over the National Guard. As discussed, changes made to the Insurrection Act in the FY07 National Defense Authorization Act remain a fearful concept where governors could lose control over their National Guard. Strong opposition to amending Title 10, Section 12304 was communicated to Congress, which has prevented the inclusion of this proposal in the National Defense Authorization Act.



## **F. EFFORTS TO REACH A COMPROMISE ON COMMAND AND CONTROL AND UNITY OF EFFORT**

### **1. Congressional Intervention and Oversight**

Congress has taken note that the National Guard, state governors, and the DoD need to work together and reach a compromise on command and control of military members in the homeland. Congress mandated several initiatives to address the command and control issues. In Section 1082 of the Fiscal Year 2008 National Defense Authorization Act, Congress established an “advisory panel on Department of Defense capabilities for support to civil authorities after certain incidents” (Public Law 110-181, 2008). The advisory panel, officially known as the “Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents,” was overseen by the Federal Advisory Committee Act and was administered by the RAND Corporation. The panel members consisted of retired military members, former state officials, adjutants generals and other experts in homeland defense and civil support.<sup>4</sup> The panel conducted several public meetings with witnesses ranging from state and federal officials who were asked to share their perspectives on a number of issues from coordinated planning efforts, chemical or biological attacks, command and control of military, and call up of federal reserve forces for disaster response. One of the duties of the panel was to “evaluate the authorities and capabilities of the Department of Defense to conduct operations to provide support to United States civil authorities...” (RAND Corp., 2009).

During a panel meeting on March 17, 2010, Assistant Secretary of Defense for Reserve Affairs, Dennis McCarthy, was asked to testify before the panel. When asked about ongoing command and control issues during and since Hurricane Katrina, Assistant Secretary McCarthy’s comments were summarized in official meeting minutes, “he has worked with Paul Stockton [Assistant Secretary of Defense for Homeland Defense and

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<sup>4</sup> The panel members were: Steve Abbot (ADM, USN, Ret) as Chairman, The Honorable Frank Keating as Vice Chairman, James Carafano PhD., Dennis Celletti (MG, ARNG), The Honorable James Greenwood, Jerry Grizzle (MG, USA, Ret), Ronald Harrison (MG, USA, Ret), Timothy Lowenberg (Maj Gen, ANG), James Metzger (VADM, USN, Ret), The Honorable George Nethercutt, Raymond “Fred” Rees (MG, ARNG), Dennis Reimer (GEN, USA, Ret), Ervin Rokke (Lt Gen, USAF, Ret) (Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents, 2010).

Americas Security Affairs] in the past few months on unity of effort” and he “emphasized a need to come to an agreement that is satisfactory to both the governors and the president. He posited that one idea might be some sort of “supported” and “supporting” commander structure that would leave command of Title 10 forces to the President” (Rand Corp., April 10, 2010).

At another panel meeting on June 2, 2010, Governor James Douglas of Vermont was asked to speak before the panel and in the official meeting minutes he expressed, “the National Governors Association wants Title 10 forces to operate under the tactical control of governors” (RAND Corp., July 2, 2010). It should be noted that Governor James Douglas was asked to speak before the panel because he was the co-chair of the Council of Governors, which is addressed shortly in this chapter.

The advisory panel members met again over teleconference on July 7, 8, 9, 10, 11 and 12, 2010 to begin collecting final conclusions and writing recommendations to the DoD and to Congress. The report was released on September 15, 2010 and while no mention of tactical control for state governors over federal military forces is made, specific findings and recommendations pertain to access to Title 10 federal reserve military forces. The summary states:

Finding: The Title 10 Reserve Components include assets that might be valuable for CBRNE planning and response, but these assets are generally unavailable except for certain defined incidents.

Recommendations: That the Secretary of Defense coordinate with the Council of Governors and then with the remaining Governors to identify Title 10 Reserve Component assets that may be beneficial in responding to the full range of CBRNE incidents—natural and manmade—and report these findings to the Congress. That the Congress expand statutory authority to allow for planning by and employment of Title 10 Reserve Component assets for any CBRNE incident, whether a result of terrorism or other causes. (Advisory Panel on Department of Defense Capabilities for Support of Civil Authorities After Certain Incidents, 2010)

The findings and recommendations of the panel were submitted to the DoD and to Congress; however, no official action has been taken with regard to their recommendations.

The second congressionally mandated group formed to assess command and control of the military in the homeland and the use of Title 10 federal reserve forces in response to disasters is the Council of Governors. The Council of Governors was established by Executive Order consistent with section 1822 of the Fiscal Year 2008 National Defense Authorization Act, which was signed by President Barack Obama on January 11, 2010 (The White House, 2010a). In a joint explanatory statement submitted by the Chairmen and ranking members of the House and Senate Committees on Armed Services, Congress recommended that the DoD “engage with the community of governors to work out an understanding of unity of effort during domestic terrorist events and public emergencies” (Public Law 110-417, 2008, p. 74). The White House selected ten governors and asked them to sit on the council with the intent to “strengthen further the partnership between the Federal Government and State governments to protect our Nation and its people and property” (The White House, 2010b). In addition to the ten governors, the federal officials designated to sit on the Council include the Secretary of Defense, the Secretary of Homeland Security, the Assistant to the President for Homeland Security and Counterterrorism; the Assistant to the President for Intergovernmental Affairs and Public Engagement; the Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs; the Commander, U.S. Northern Command; the Chief, National Guard Bureau; and the Commandant of the Coast Guard.

Unfortunately, the establishment of the Council of Governors took longer than anticipated by both the DoD and the National Governors Association in part due to the change in administration. In a letter to the Chairmen and ranking members of the House and Senate Armed Services Committees in August 2009, the National Governors Association stated:

We've encouraged DoD and the Administration to establish the Council of Governors to facilitate consultation and coordination between the Secretary of Defense, the Secretary of Homeland Security, and governors on issues critical to homeland defense and emergency response. Your support in ensuring the Council of Governors is quickly established would help facilitate the dialog that must take place before any legislation regarding these issues moves forward. (National Governors Association, 2009)

The letter from August 2009 also emphasized that governors were not yet ready to address a proposal from the DoD on access to federal reserve forces and stated that “recent outreach by officials at DoD to correspond with governors regarding their proposal is not sufficient to engender governors' support or justify moving ahead with the proposal at this time” (National Governors Association, 2009).

Once President Obama signed the Executive Order in January 2010, the council could begin meeting and addressing issues of mutual interest to the states and the federal government. Among the objectives and scope of the Council of Governors, they were asked to specifically address “synchronization and integration of State and Federal military activities in the United States” (The White House, 2010a). The Council of Governors worked towards bridging the gap between state governors and the DoD regarding not only access to federal reserve forces but also the command and control of Title 10 forces, active and reserve, once employed in a state. It should be noted that other objectives relevant to state concerns and support to the National Guard exist that the council addresses in addition to these command and control matters. The National Governors Association was optimistic that the Council of Governors was “the appropriate forum for discussing this issue” because considerations with the DoD “should not be done hastily and should be designed to address concerns and forge understanding between governors and the department” (National Governors Association, 2009).

## **2. Progress and Reaching Consensus to Create Unity of Effort**

Ongoing discussions with the Council of Governors has been the primary means of building consensus by the DoD with governors and the National Guard regarding command and control of military members operating in a state and access to Title 10 federal reserve forces in response to disasters or emergencies. The Office of the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs is the lead in the DoD for working with the National Governors Association, which supports the coordination and communication with the Council of Governors. Feedback from the Council of Governors' meetings has concluded that constructive dialogue has been taking

place and governors are perhaps more comfortable that the DoD is making an effort to resolve concerns and reach an agreement with governors on the use of federal reserve forces in state disaster response.

One major outcome from the Council of Governors was an initiative to develop a concept to build consensus called “Improving Unity of Effort: Direct Support Initiative,” which focused on creating a unity of effort among National Guard, governors and the DoD so that the nation is best prepared for a catastrophic disaster. The “Direct Support Initiative” offered the following components to build consensus with governors (Office of the Secretary of Defense Homeland Defense and Americas' Security Affairs, 2010).

- Emergency Management Accords Based on Direct Liaison Authority
- Detailed State/Regional Contingency Planning
- Establishment of State-specific pre-scripted mission assignments
- Training and Exercising
- Bringing Reserve Capabilities to Bear

In a memo by the Secretary of Defense on “Improving Coordination and Unity of Effort with State Responders during Emergency Response Operations,” the secretary gave direction for the development of command and control options that will enable federal military forces “to consult, coordinate with, and respond to state authorities” (Office of the Secretary of Defense Homeland Defense and Americas' Security Affairs, 2010). The Direct Support Initiative was the first step by the DoD and the Council of Governors to reach a consensus. As time passed and meetings continued in a positive direction, the initiative morphed into a plan for implementation, aptly entitled “Joint Action Plan for Developing Unity of Effort.”

Admiral James Winnefeld, Commander of U.S. Northern Command, commented on the July 2010 Council of Governors meeting, “today's meeting was a very productive gathering that addressed a number of key topics to ensure Federal agencies respond quickly and in the right manner when governors request assistance from the Federal government for disasters and emergencies” (Admiral James Winnefeld, 2010). Following the March 2011 Council of Governor’s meeting, the National Governor’s Association released a statement about the gathering and the Joint Action Plan, “the Joint Action Plan

resolves long-standing concerns about who is in charge during domestic emergencies involving National Guard forces under the control of a governor and federal military forces under the control of the President” (National Governors Association, 2011). On December 13, 2011, Governor Chris Gregoire of Washington and Governor James Douglas of Vermont informed the Obama Administration that the “Council of Governors, on behalf of all governors, had approved the Joint Action Plan for Developing Unity of Effort” (Office of the Secretary of Defense, February 11, 2011). According to D. Elliott, (personal communication, May 26, 2011), Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs, Paul Stockton, described that the Joint Action Plan, “calls for us to go much further than we have been able to do, in making sure that localities and federal and state have a shared understanding of each other's disaster response plans.”

One of the key points of the Joint Action Plan is the concept of Contingency Dual-Status Command, otherwise known as CDSC or DSC, which is a command and control structure unifying both active and reserve military operating in a state for disaster and emergency response. “The CDSC concept is intended to achieve unity of effort when federal support is needed to support a state during a disaster” (Salzer, 2011). The objective of the command and control structure is to streamline operations under one commander who serves the state and federal chains of command and directs operations for both Title 10 and Title 32 military members working together.

In February 2011, the subordinate command to USNORTHCOM, Joint Force Headquarters National Capital Region hosted National Guardsmen from 13 different states to discuss the CDSC concept during a conference to talk about the way ahead (Markfelder, 2011). USNORTHCOM officially established a CDSC training seminar at the headquarters in Colorado Springs, Colorado and Admiral Winnefeld testified in April 2011 that “we have trained 31 National Guardsmen from 31 different States to be State JTF commanders who could be dual status qualified” (Senate Armed Services Committee, April 5, 2011, p. 9). The dual-status construct would employ either a Title 10 or Title 32 commander and a deputy commander who would be from the other component. In addition, according to D. Elliott, (personal communication, May 26,

2011), “a dual status commander will be appointed at the mutual consent of the governor and the president and serves in two separate chains of command, both state and federal.”

As of August 2011, the Joint Action Plan is currently in its implementation phase. National Guard and active duty military are undergoing CDSC training at U.S. Northern Command Headquarters. The CDSC was practiced during the May National Level Exercise on a New Madrid Earthquake scenario and employed during Hurricane Irene in four states. The CDSC has helped give state governors and their National Guard the flexibility and command they sought to oversee military operations in their respective states. As of August 2011, MOA’s are currently underway with 19 signed between the DoD and states. Eventually, each state will create a MOA that confirms the CDSC command and control concept according to each state’s perspective and capabilities. According to D. Elliott, (personal communication, May 26, 2011), in reference to the CDSC and MOA developments, Assistant Secretary Stockton stated, “the critical enabler to this progress was president's appointment to council of governors. The DoD, until that point, had no negotiating partner. We wanted to be more supportive of governors with FEMA, but we had no formal structure. The progress can be attributed to the appointment of the council of governors.”

The history of this issue to date is a building block to the future of truly creating unity of effort among Title 10 and Title 32 military members. The case studies assessed in Chapter IV provide a road map and lessons learned to help define this future for military forces operating in the homeland. Chapter V continues to assess the best practices from the case studies and a nuanced application that could possibly lead to constructive policy change. As discussed above, sensitivities and complexities exist with command and control as it relates to federalism and state sovereignty that are dissimilar to the case studies. However, the successful takeaways from the case studies will prove to be applicable and will help create unity of effort between Title 32 and Title 10 military operating in the homeland.

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## **IV. CASE STUDIES THAT SUGGEST A PARADIGM SHIFT**

Literally as well as metaphorically, the man accustomed to inverting lenses has undergone a revolutionary transformation of vision...Rather than being an interpreter, the scientist who embraces a new paradigm is like the man wearing inverting lenses.

– Thomas Kuhn

### **A. INTRODUCTION**

Although seemingly difficult to achieve, unity of effort does exist among various organizations across a range of fields and sectors. The ability to have multiple partners on the same sheet of music is possible with the right paradigm in place that works for all. The following case studies demonstrate that unity of effort can be achieved and they offer lessons or best practices that can be applied to Title 10 and Title 32 military forces responding to disasters and emergencies in the homeland. It should be noted that while federalism and state sovereignty are unique characteristics that challenge unity of effort for Title 10 and Title 32 military forces responding in the homeland, analogous circumstances are present among these case study organizations. It would be impossible to replicate the exact set of parameters at hand; however, valuable takeaways can be replicated to create unity of effort among these military forces. The following case studies illustrate that a paradigm shift is necessary to enable Title 10 and Title 32 military forces to create unity of effort when responding to emergencies in the homeland.

### **B. ISRAELI HOME FRONT COMMAND: THE MILITARY PERSPECTIVE AND INTERNATIONAL EXPERIENCE IN RESPONSE TO MANMADE DISASTERS**

Successful practices founded in Israeli defense policy exist regarding Home Front Command emergency response operations where unity of effort is successful among response participants. Much can be learned from the Israeli experience and adopting Home Front Command practices would create a more unified response for Title 10 and Title 32 military forces in the homeland.

The current framework for emergency response operations for military forces in the U.S. homeland includes complicating variables due to respective authorities, as previously discussed. This dynamic is a factor that does not impact the State of Israel in setting its own defense policy and practices for emergency response operations in what they refer to as the “home front.” While the State of Israel does not have the complexity of federalism, many partners within the Israeli military framework participate and support emergency response operations. Namely, the emphasis on an “integrated service” in the Home Front Command is essential to the success of responding to emergencies and protecting the citizenry.

### **1. Threat Comparison**

Unfortunately and fortunately, the United States has not had the same exposure to attacks as Israel; however, that does not mean that the current threat environments are that dissimilar. Israel and the United States are equally susceptible to transnational border issues, state aggression by sovereign powers, terrorism, weapons of mass destruction and natural disasters (Larsen & Pravecek, 2006, p. ix). However, “Israelis are born into threat,” whereas the biggest attack on the homeland that Americans have ever faced was the terrorist attacks on 9/11 (Larsen & Pravecek, 2006, p. 4). While 9/11 marks a change in American history and how the United States counters emerging threats, the United States has not had the same exposure to threats and attacks that have transformed Israeli culture into a security-conscious society. Israel’s geographic location and proximity to adversaries has made the State of Israel more vulnerable to threats of which the United States has not yet faced, specifically, ballistic missile threats. Iran continues its “provocative behavior” with regard to the development of enriching uranium and the possibility of proliferating nuclear warheads that could not only target Israel but could also threaten the United States (Amiri, 2011). According to the American Israel Public Affairs Committee (AIPAC), the following map demonstrates Iran’s range and ability to target Israel with missile capabilities:



Figure 2. Iranian missile threat map (From: The Irsael Project, 2011).

On a day-to-day basis, Israelis must worry about the intentions of various adversaries attacking the State of Israel including Hezbollah from Lebanon and terrorists groups in the Gaza Strip, such as Hamas and Syria. Meanwhile, North Korea also continues its own “provocation” by attacking South Korea and ignoring countless warnings from the western world (Carafano, 2011). According to Carafano, “what makes North Korea so troublesome is the method by which it continues to command the world's attention. Pyongyang employs a combination of intimidation via nuclear weapons and outright armed attacks on the South” (Carafano, 2011). Time will tell how the ballistic missile threat may impact the United States but Israel is certainly more exposed to missiles and other projectiles on a day-to-day basis because of its geographic vulnerability.

Acts of terrorism in Israel by missile attacks, suicide bombings, explosive devices, small arms shooting or other kinds of attacks are a part of Israel’s recent history that the society has been forced to accept. From January to March 2011, Israel faced 272 separate terror attacks (Israeli Security Agency, 2011). In March alone, six fatalities and twenty-seven injuries occurred due to these attacks (Israeli Security Agency, 2011).

Although the United States has not experienced a successful act of terrorism or suicide bombing since 9/11, this does not mean that persons have not been plotting or attempting to execute attacks. The more high profile and recent attempted attacks, such as the Christmas Day Bomber in 2009 and the Times Square Bomber in 2010, have reemphasized U.S. vulnerability to terrorist threats and specifically “homegrown” terrorists. The reality of homegrown terrorists no longer makes the geographical location of the United States in the world a reliable factor to protect citizens from this asymmetric threat.

Transnational border threats are increasingly relevant to the United States as the National Guard remains deployed at the southern border with Mexico and members of Congress refer to U.S. borders as “porous” that are “vulnerable to entry by terrorists and criminals” (Thompson B. , 2005). In July 2011, President Obama released a “Strategy to Combat Transnational Organized Crime: Addressing Converging Threats to National Security” (The White House, July 19, 2011). The assessment by the White House concluded that transnational criminal organizations or TCOs are “proliferating, striking new and powerful alliances, and engaging in a range of illicit activities as never before” (The White House, July 19, 2011, p. 3). Of the transnational threats analyzed, a crime-terror-insurgency nexus appears to exist, whereby 29 of the 63 organizations identified in the Department of Justice FY2010 Consolidated Priority Organization Targets list have a connection to terrorist groups (The White House, July 19, 2011, p. 6). Transnational threats with a terrorist nexus impact many nations; the United States and Israel are no exception.

Natural disasters are at the whim of Mother Nature and no locality, state or country is impervious to this threat. The reality and experience in the United States is that the National Guard have been more than capable of handling operations following most natural disasters within a state. Of course, Hurricane Katrina is a resounding reminder that additional support from federal military members may be necessary and unity of effort will be critical to execute a successful emergency response effort to save lives and mitigate human suffering.

## **2. Experiential Differences Between the United States and Israel**

The geopolitical and experiential differences between Israel and the United States with regard to threat and attacks has led to different approaches and emphasis on “interagency cooperation” or what could be considered a unified response effort. Attacks and acts of terrorism have shaped the Israeli culture and created an environment in which citizens are keenly aware of threats and how to seek safety. As the citizenry has come to adapt to threats and attacks, the policies and practices have adapted as well to face these challenges. The United States will face new threats, natural or manmade, and must adapt to this environment by incorporating successful methods found in the Israeli experience. Synergy and synchronization of emergency response efforts go beyond the responsibility of the Home Front Command as part of the Israeli Defense Force (IDF), the entire citizenry is aware that a strong civil defense means a safe home front.

An overwhelming emphasis in Israel exists, from the military to the citizenry, to counter threats to the state through prevention methods and to respond efficiently to attacks and other emergencies when they occur. The day the State of Israel was established, then Zionist leader and later the first Prime Minister of Israel, David Ben Gurion said, “the entire people is the army, the entire land is the front” (The Home Front Command, 2011b). Israel later came to experience how very true this was and how the “front” became the vulnerable citizenry of the state itself. The Six Day War and the Yom Kippur War taught the State of Israel and its defense forces several vital lessons on how to organize defense and emergency response capabilities and the importance of preparation. Several iterations and changes to the defense structure in the State of Israel occurred, but it was not until the Gulf War in 1991 that the state realized it needed to take a new approach. Forty-two scud missile attacks from Iraq on Israel led to a realization that a more synchronized response structure was needed to protect the state from its vulnerable geopolitical environment in the Middle East (Department of Defense, 2000).

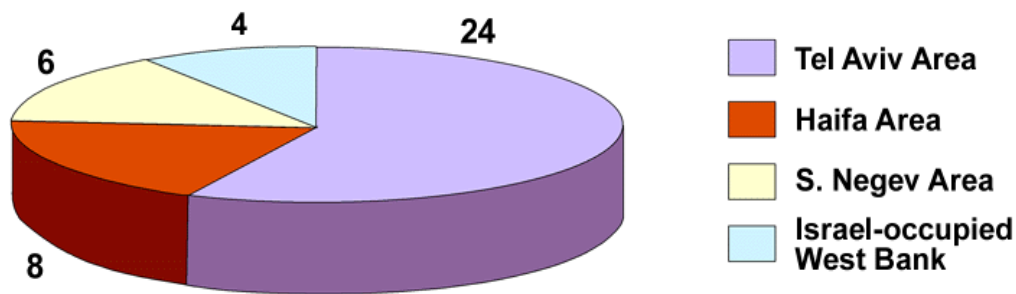


Figure 3. Where Scuds landed in or near Israel (From: Department of Defense, 2000)

“The Gulf War was a different type of war, a war in which the rear had to protect itself and in fact became the front” (The Home Front Command, 2011b). Lessons learned from attacks in the Gulf War led to the establishment of the Israeli Home Front Command in February 1992 to address civil defense from conventional and unconventional attacks and to focus on “preparation, organization, and a high state of readiness for the State of Israel” (The Home Front Command, 2011b). From this experience, Israel created a new command structure and shifted the defense paradigm to defend the home front better.

### 3. Differences in Scale Influence Authorities

The sheer size, population and mass differences between Israel and the United States have influenced the political dynamics that impact command and control of military members during emergency response operations. The State of Israel is one sovereign nation, although divided into six administrative districts: Jerusalem, North, Haifa, Center, Tel Aviv and South. In addition to the districts, the West Bank is also included, which is referenced by the biblical and historically significant areas of Judea and Samaria. The United States, however, has 54 sovereign states and territories that rely on their own National Guard and command and control structure when responding to emergencies. The scale of the nations has influenced the disparate authorities. Figures 4 and 5 help demonstrate the difference in scale.



Figure 4. Size comparison of Israel and the United States (From: Israel Ministry Foreign Affairs, 2004)



Figure 5. Size and districts of Israel (From: Wikipedia, 2006)

On a national level, Israel does not have a separation of powers. The state itself has control over the national police, the military and intelligence apparatus. While local governments in Israel have jurisdiction over certain aspects of maintaining order and rule of law, no equivalent to “Title 32” state National Guard exists. The Israeli civil defense is founded in one command and control structure, the Home Front Command within the IDF.

#### 4. The Legal Authorities That Enhance the Israeli Emergency Response Apparatus

To compliment the unified force structure of the Home Front Command, the Israel Defense Ministry created the National Emergency Management Authority or NEMA in 2007. NEMA is charged with preparing the Home Front Command for emergencies “by directing and coordinating between emergency organizations, government offices, local authorities, and other relevant institutions” (National Emergency Management Authority, 2011). NEMA has a number of responsibilities that support the unification of the civilian population with the Home Front Command, notably

“creating a long term plan for the improvement of Home front preparedness” and “organizing local and National Emergency Preparedness Exercises” (National Emergency Management Authority, 2011). The U.S. counterpart to NEMA might be a combination of the DHS and the FEMA given the responsibility to coordinate and direct emergency organizations at various levels to develop better a coordinated emergency response effort (Department of Homeland Security, 2008). The United States is the only country that combines the responsibilities of DHS and FEMA into one organization as the lead in the U.S. homeland for disaster and emergency response. In addition, these agencies operate under a separate command and control structure from the military, both Title 10 and Title 32. That being said, U.S. military members are expected to adhere to the guidance set forth by FEMA in the National Response Framework and DHS in Presidential Directives 5 and 8 (Department of Homeland Security, 2009). Unlike the United States, the Ministry of Defense or MOD in Israel takes on the lead authority for response operations and the IDF establishes its own command and control structure outside of the MOD for operations in the home front. NEMA currently serves as a coordinating agency to the response operations and does not have control or authority over the IDF and Home Front Command.

Similar to NEMA, the Emergency Economy System in Israel was designed to augment the Home Front Command by providing “essential public services during war” (Israel Defense Force, 2002). Since Home Front Command forces are civilian reservists, their departure from everyday jobs to serve during an emergency could hurt the Israeli economy so the Emergency Economy System was established to sustain critical industries and maintain a functioning economic system that supports citizens. In 2002, Lt. Gen. (Res.) Arnon Ben-Ami, stated, “the army has always the top priority since it is fighting in the front. Therefore, it was required to establish a system that will coordinate the governmental offices and the local authorities needs against the army needs and will set priorities during war or nature disaster” (Israel Defense Force, 2002). The Emergency Economy System fills a similar function as the FEMA and public sector partners, such as



Wal-Mart, by providing sustained emergency response and recovery support with goods and services. However, this is a requirement in Israel among designated organizations and citizens can be fined if they disregard the Emergency Economy System.

A specific legal authority exists in Israel during times of increased emergency for which the United States does not have a comparative authority. The Special Situation authority essentially allows the Defense Minister, using the Home Front Command, the authority to control the civilian population for certain functions that contribute to emergency operations. In 2007, the Special Situation authorization gave “the Home Front Command the authority to order employees at vital workplaces, such as supermarkets and health clinics, to report for work. The Command can also order the police to station more forces in the affected area” (Fendel, 2007). Neither the Secretary of Homeland Security, or the Secretary of Defense nor the President of the United States has the authority to order the civilian population to assist and participate in emergency response operations. In addition, none of these positions has the authority to order civilians to continue working in functional areas that support an emergency operation or require essential services to stay open to maintain a steady economy. Although differences clearly exist in the legal mechanisms to access military and civilian forces in Israel that may not be able to be replicated in the United States, the command and control construct to direct military forces are assessed.

## **5. Command and Control**

The Home Front Command is a component of the IDF as the national response and defense capability that assists citizens when emergencies, natural or manmade, occur. The Home Front Command is an institution that culturally serves the greater public and whose responsibility is to protect and respond when the citizenry needs support. Before the Home Front Command was established, emergency response forces fell under the control of Civilian Defense’s Chief Officer Corps Command and under a Regional Defense structure (The Home Front Command, 2011b). The unification of forces under one command and control structure of the Home Front Command is an important factor when assessing Israel’s emergency response policy. The Home Front Command is “an

integrated service of readiness and response for civil defense during states of emergency, showing initiative and leadership and setting an example; organized and ready to fulfill its functions with excellence” (The Home Front Command, 2011c). The emphasis on an “integrated service” in the Home Front Command is essential to the success of responding to emergencies and protecting the citizenry. The Israeli Home Front Command is a hybrid of emergency response organizations and military command and control structures similar to the United States. The military forces responding are essentially reserve military members and are a part of the larger IDF apparatus, just as the National Guard in Title 32 status fit into the total U.S. Armed Forces structure. However, Home Front Command military members operate under the command and control of the State of Israel, just as Title 10 Active Duty forces assigned to USNORTHCOM operate under federal command and control in the United States.

In the United States, the DHS, FEMA, DoD, USNORTHCOM and the National Guard all have a role and responsibility in executing DSCA missions. The DoD always supports the DHS or FEMA for a DSCA mission and may utilize Title 10 federal forces to do so with USNORTHCOM, leading up to the President, in command and control. At the same time, when a DSCA mission is executed, those Title 10 federal forces currently operate in parallel to Title 32 National Guard forces who fall under the command and control of their respective state governor. Under Article 2 of the Constitution, the President of the United States is also sovereign and has control of the U.S. Armed Forces, to include the National Guard when an insurrection is declared. The political dynamic that ensues from this dichotomy of sovereign power over military forces is a root cause, among others, for ineffective unity of effort emergency response operations in the United States. Command and control challenges stifle DSCA missions and operations because synergy and unity of effort is lacking among military members in Title 10 and Title 32 status. Figure 6 provides further details to illustrate the parallel chains of command regarding the command and control of military forces under the President and state governors.

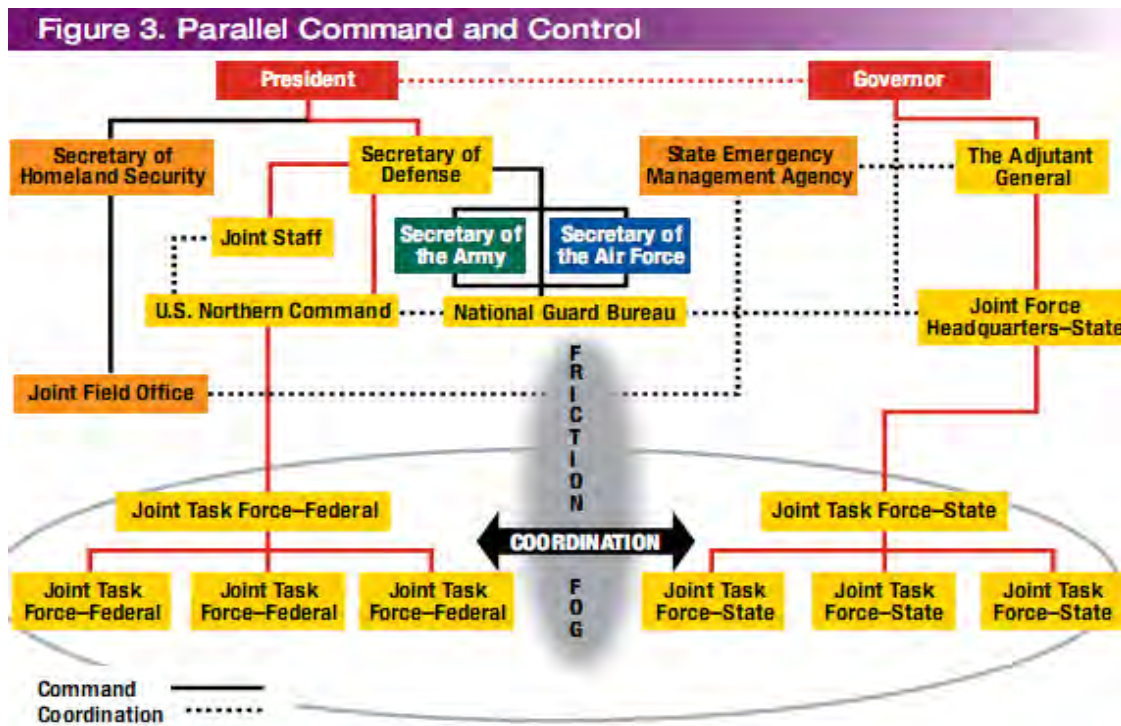


Figure 6. Parallel chains of command (From: Burkett, 2008).

The military status, either Title 10 or Title 32, determines who is in command and control of those forces. Table 1 helps breakdown each status, to include state active duty.

	State Active Duty	Title 32	Title 10
<b>Command and control</b>	Governor	Governor	President
<b>Where</b>	Within respective state or territory and according to Emergency Management Assistance Compact or state-to-state memorandum of agreement	Within respective state or territory and according to Emergency Management Assistance Compact or state-to-state memorandum of agreement	Worldwide
<b>Funded by</b>	State	Federal funds administered by the state	Federal
<b>Missions</b>	According to state law; includes riot control, law enforcement, and emergency response	Annual training, drills, and other federal military requirements; disaster and law enforcement missions, based on disaster and emergency declarations by the president	Worldwide training and operations, as assigned by joint commander
<b>Discipline</b>	State military code	State military code	Uniform Code of Military Justice
<b>Conduct law enforcement</b>	Yes (as authorized by the supported governor)	Yes (as authorized by the supported governor)	No, (Strictly limited by Posse Comitatus Act, standing execute orders, and DOD directives)
<b>Pay</b>	Determined by state law	DOD Financial Management Regulation Volume 7A	DOD Financial Management Regulation Volume 7.0
<b>Travel, lodging, and benefits</b>	Determined by state law	Joint Federal Travel Regulations, chapter 10/ public law	Joint Federal Travel Regulations, chapter 10/ public law

Table 1. T10 and T32 military status (From: Center for Army Lessons Learned, 2010).

It should be noted that many efforts to connect these parallel command structures have occurred.<sup>5</sup> For example, the DoD established the position of Defense Coordinating Officers (DCO) in each of the 10 FEMA regions to understand and coordinate anticipated requests for defense capabilities, which are then communicated to USNORTHCOM for action to support a state in a timely manner (Federal Emergency Management Agency, 2010). DCO's work with a state Joint Field Office (JFO) to maintain connectivity and strengthen relationships with state emergency operators, including Title 32 National Guard. In addition to the DCO position, State Emergency Preparedness Liaison Officers or EPLOs and Regional Defense Officers or RDOs are other ways in which the DoD, FEMA, states and the National Guard have tried to create seamless communication during response operations. These partners are committed to creating an operational unity of effort so a willingness may exist to consider a paradigm shift found in the Home Front Command where operational synergy is successful.

## **6. Policy Implications to Support a Paradigm Shift**

The Home Front Command's ability to coordinate with other emergency responders has been an effective policy because the society recognizes the need for a stable civil defense. Israel has had to adapt its security and response efforts over the years because of ever-changing and unpredictable threats and attacks to its home front where "circumstances have forced the IDF to be a world leader in homeland defense" (Greenhill, 2010). Figure 7 represents Israeli fatalities by different kinds of attacks from September 29, 2000 to the end of 2009:

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<sup>5</sup> See also the Department of Defense Report to Congress: Plan for Coordinating National Guard and Federal Military Force Disaster Response released June 23, 2011.

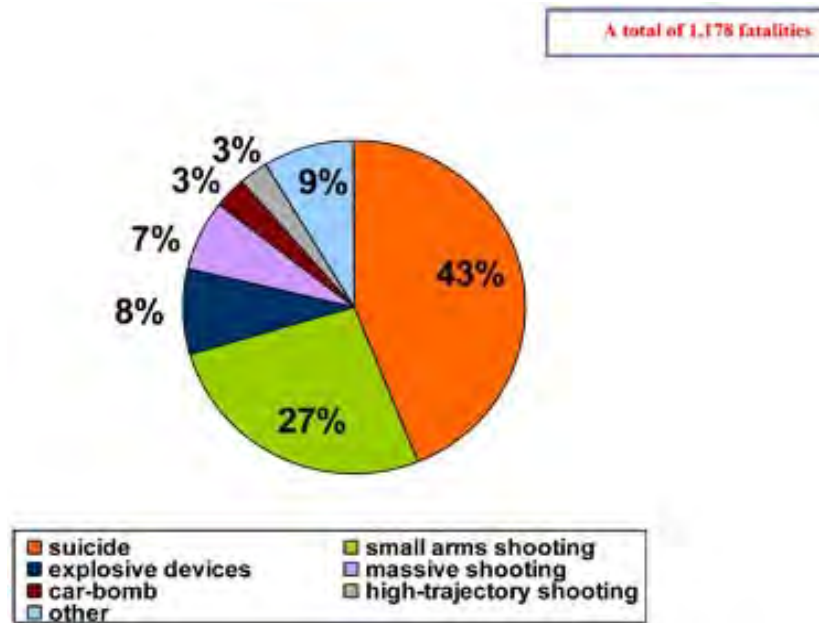


Figure 7. Distribution of fatalities (From: Israel Security Agency, 2010)

Given Israel's geopolitical vulnerability and threats the state faces, its citizenry has experienced enough violence and atrocities to accept policies and procedures established by the state to protect the state. For the most part, Israelis innately trust their government to take the necessary steps to protect them and they do not question motives or decisions that support that effort. The threats and attacks that Israelis have faced contributes to the overall cultural acceptance and adherence to trust in a government that creates a strong civil defense. Thus, little to no objection is raised when synchronizing emergency response efforts under one command and control apparatus led by the Home Front Command.

Numerous attacks and acts of terrorism have shaped the Israeli culture and created an environment in which citizens are intensely aware of the threats they face and support the Home Front Command's effort to respond to them. The Home Front Command has tried to reach out to the Israeli public continuum and include them in the civil defense dialogue so they understand what to do when an attack occurs (The Home Front Command, 2011a). The Home Front Command website, for example, is tailored to educating Israeli citizens so that they are informed and understand how to respond when an emergency or attack occurs. Guidance is customized according to the emergency in

the “How to Act in an Emergency” section, from earthquake to a mortar attack (The Home Front Command, 2011a). Assistance on the website offers even more specific direction regarding shelter locations depending on where an individual lives within the state. In fact, every single citizen is expected to participate in national exercises to rehearse emergency response practices (Greenhill, 2010). This outlook on synchronization, from emergency responder to military members to citizen, is what has been effective for the State of Israel in its home front defense posture and put Israel as a leader in homeland defense in this regard.

## **7. Applying the Israeli Model**

The National Guard and USNORTHCOM have already established a working relationship and military exchange with the IDF and the Home Front Command to find and trade “information about technologies, tactics, techniques and procedures to improve security, crisis response and consequence capabilities” (Greenhill, 2010). In 2005, Larsen and Pravecek’s research and analysis on the Israeli experience in homeland defense led to key lessons that could be applied to the United States in the following areas: know your adversary, interagency cooperation, tight internal security, profiling, protected spaces, barriers, information sharing between two states, public education, offensive military action, security decision-making, compromise and appeasement and advanced technology (Larsen & Pravecek, 2006). Of these lessons, emphasis on cooperation and compromise are much needed for unity of effort among Title 10 and Title 32 military members.

Statutory authorities specified for use by Home Front Command in a limited state of emergency is not an applicable approach in the United States. Federalism and the use of Title 10 military members in the U.S. homeland are a restrictive, Constitutional reality that will not be revoked. While Israel does not face the same circumstance of state and federal sovereignty found in Title 10 and Title 32 as the United States, the state still deals with the issue of authority and command relationships for its emergency response operations. Whether it is the coordination of local emergency responders or additional military forces, the Home Front Command works in a unified construct when responding to an emergency in the state. Thus, for the purpose of comparison and assessment, the

successful practices that have led to unity of effort between the larger IDF and Home Front Command can be applied to Title 10 and Title 32 military responders. The pointed emphasis on a single, synchronized command and control structure can be applied to Title 10 and Title 32 military members for DSCA missions but it will take a cultural shift based on a realistic outlook of future threats and formalized agreements emphasizing a collective consensus among stakeholders.

### **C. FLORIDA DIVISION OF EMERGENCY MANAGEMENT: THE CIVILIAN PERSPECTIVE AND DOMESTIC EXPERIENCE IN RESPONSE TO NATURAL DISASTERS**

The state of Florida has been recognized for its successful emergency management operations and “as a matter of record, Florida’s disaster response is the most effective in America and serves as a national model” (McBride-Davis, 2008, p. 18). The processes and procedures that the state of Florida has put into action for hurricanes have proven to be effective (McBride-Davis, 2008, p. 18). Thus, what has worked for Florida that has been so effective? Multiple agencies, counties and personnel have contributed to emergency management in the state; therefore, assessing how Florida has created a unified effort may yield constructive options for Title 10 and Title 32 military forces to replicate. It is important to note that while assessing Florida’s emergency management construct, no reasonable manner exists in which to compare the military as previously conducted with the Home Front Command in Israel. Meaning, Title 32 and Title 10 military will always support a state with a DSCA mission, and thus, evaluating the military’s response to a state function would produce an unbalanced comparison. For the purpose of this case study, the author assesses the Florida emergency response to determine best practices that are then further analyzed in Chapter V.

#### **1. Threat Environment for the State of Florida**

Former Governor of Florida, Charlie Crist, has stated, “no state is more vulnerable than Florida to natural disasters” (Florida State Emergency Response Team, 2007). Florida has experienced more hurricanes and tropical storms than any other state in the United States (see Table 2). According to the National Hurricane Center,

approximately “forty percent of all U.S. hurricanes and major hurricanes hit Florida” and “eighty-three percent of category 4 or higher hurricane strikes have hit either Florida or Texas” (National Hurricane Center, 2007).

AREA	CATEGORY NUMBER					ALL	MAJOR HURRICANES
	1	2	3	4	5		
U.S. (Texas to Maine)	110	73	75	18	3	279	98
Texas	23	18	12	7	0	60	19
(North)	12	7	3	4	0	26	7
(Central)	7	5	2	2	0	16	4
(South)	7	7	7	1	0	22	8
Louisiana	18	14	15	4	1	52	20
Mississippi	2	5	8	0	1	16	9
Alabama	16	4	6	0	0	26	6
(Inland only)	6	0	0	0	0	6	0
Florida	43	33	29	6	2	113	37
(Northwest)	26	17	14	0	0	57	14
(Northeast)	12	8	1	0	0	21	1
(Southwest)	18	10	8	4	1	41	13
(Southeast)	13	13	11	3	1	41	15
Georgia	15	5	2	1	0	23	3
(Inland only)	9	0	0	0	0	9	0
South Carolina	18	6	4	2	0	30	6
North Carolina	24	14	11	1	0	50	12
(Inland only)	3	0	0	0	0	3	0
Virginia	7	2	1	0	0	10	1
(Inland only)	2	0	0	0	0	2	0
Maryland	1	1	0	0	0	2	0
Delaware	2	0	0	0	0	2	0
New Jersey	2	0	0	0	0	2	0
Pennsylvania (Inland)	1	0	0	0	0	1	0
New York	6	1	5	0	0	12	5
Connecticut	5	3	3	0	0	11	3
Rhode Island	3	2	4	0	0	9	4
Massachusetts	6	2	3	0	0	11	3
New Hampshire	1	1	0	0	0	2	0
Maine	5	1	0	0	0	6	0

Notes:

\*State totals will not equal U.S. totals, and Texas or Florida totals will not necessarily equal sum of sectional totals. Regional definitions are found in Appendix A.

\*Gulf Coast state totals will likely be underrepresented because of lack of coastal population before 1900.

Table 2. Hurricanes on U.S. coastline and by individual states from 1851–2006 (From: National Hurricane Center, 2007).

The coastline of Florida is a “length of 1350 statute miles,” which is “more than any other state in the nation” (Florida Division of Emergency Management, 2007). The National Emergency Management Association conducted a survey to compare emergency management organizations among states (see Table 3). Although Florida ranks third in historically declared disasters, the emergency management budget and number of personnel dedicated to emergency management is relatively modest compared to other states with a smaller population and fewer disasters.



State	2005 Population (1)	Full Time Equivalent EM Positions (FTE's) (2)	EM State Operating Budget (3)	Total Historical Declared Disasters (4)
<b>FLORIDA</b>	<b>17,789,864</b>	<b>138</b>	<b>\$7,800,000</b>	<b>59</b>
California	36,132,147	538	\$35,374,000	72
Texas	22,859,968	176	\$1,300,000	78
Illinois	12,763,371	257	\$35,000,000	41
Indiana	6,271,973	270	\$12,000,000	32
Mississippi	2,921,088	137	\$5,600,000	42
New Jersey	8,717,925	300	\$3,400,000	23
North Carolina	8,683,242	178	\$9,077,073	35
Pennsylvania	12,429,616	158	\$8,000,000	42

Sources:

(1) US Census Bureau

(2) National Emergency Management Association

(3) National Emergency Management Association

(4) Federal Emergency Management Agency (FEMA)

Table 3. How Florida compares to other state emergency management (EM) agencies (From: Florida Division of Emergency Management, 2007).

The financial impact on Florida must also be considered. According to FEMA, of the top ten most expensive Presidentially declared disasters between 1992 and 2005, Florida was impacted by all but three disasters (see Table 4).

MOST EXPENSIVE PRESIDENTIALLY-DECLARED DISASTERS*		
EVENT	YEAR	FEMA FUNDING
Hurricane Katrina (FL,LA,MS,AL)	2005	\$29,318,576,948**
Attack on America - WTC (NY, NJ, VA)	2001	\$8,818,350,120
Northridge Earthquake (CA)	1994	\$6,978,325,877
Hurricane Rita (TX,LA)	2005	\$3,749,698,351
Hurricane Ivan (LA,AL,MS,FL,NC,GA,NJ,PA,WV,NY,TN)	2004	\$2,431,034,355
Hurricane Georges (AL, FL, MS, PR, VI)	1998	\$2,245,157,178
Hurricane Wilma (FL)	2005	\$2,110,738,364
Hurricane Charley (FL,SC)	2004	\$1,885,466,628
Hurricane Andrew (FL,LA)	1992	\$1,813,594,813
Hurricane Frances (FL,NC,PA,OH,NY,GA,SC)	2004	\$1,773,440,505

\* Numbers are in actual dollars, not adjusted for inflation. \*\* Approximately 68 percent funded.

Source: Federal Emergency Management Agency (FEMA)

Table 4. Comparison of most expensive presidentially declared disasters (From: Florida Division of Emergency Management, 2007).

Indeed, Florida's experience with natural disasters, primarily hurricanes and tropical storms, has influenced the state's perspective on its threat environment. Its experience with loss of life, property damage and cost of rebuilding communities after these disasters eventually led to a more robust emergency management construct.

## **2. Experience Leads to a Coordinated Planning Approach**

Hurricane Andrew demonstrated problems existed with “interagency coordination, preparedness and response” in Florida and state officials realized that something needed to change. “Floridians learned that human institutions and decisions had a real influence on whether a community suffered substantial hurricane damage” (Birkland, 2006, p. 146). Thus, following Hurricane Andrew in 1992, the state of Florida refocused its emergency management efforts and by 1994, the State Emergency Response Team or SERT was established under the Florida Division of Emergency Management or DEM. The DEM and SERT mission is defined as “working together to ensure that Florida is prepared to respond to emergencies, recover from them, and mitigate against their impacts” (Florida Division of Emergency Management, 2011). The DEM seems to uphold the value of working together collaboratively by creating the motto “semper gumby—always flexible” (Florida Division of Emergency Management, 2011). Remaining flexible is a characteristic addressed further in this case study. It was not until Hurricane Opal in 1996 and the floods caused by El Nino in 1997 that mitigation projects “were galvanized into action” (Miami-Dade County, 2000, p. 2). A common realization occurred that incorporating local communities in the planning and mitigation process would not only empower those individuals’ “planning and decision making” but would ultimately produce a more cohesive mitigation strategy (Miami-Dade County, 2000, p. 2). Over 14 million dollars was invested in 1997 towards a statewide mitigation project. A mix of Florida state funding and FEMA grants supported the mitigation project that focused on Local Mitigation Strategies or LMS. The state of Florida provided a Local Mitigation Strategies (LMS) guidebook for locals to reference standards and procedures when creating their mitigation plans. In due course, “the project provided funding for cities and counties to work together to prepare a single, unified LMS that serves as a bridge between local government’s comprehensive and emergency management plans”

(Miami-Dade County, 2000). In Miami-Dade County alone, there are over thirty municipalities and each one contributed to the LMS project. The Florida mitigation strategy pyramid focused on community-based planning and LMS (see Figure 8).



Figure 8. Florida mitigation pyramid (From: L. Thompson, 2005)

Ultimately, the LMS program gave local communities the opportunity to start working with other agencies in Florida that participate in emergency management. Local communities felt a vested interest to participate in the LMS project because they recognized the benefit of effective planning and precoordination among other Florida state entities (Miami-Dade County, 2000). According to a report focused on Florida partnerships and “working together,” the “LMS program has created an unprecedented degree of cooperation among local, state, and federal agencies, as well as educational institutions, private relief organizations, business, and community organizations” (Miami-Dade County, 2000). The disaster experience in Florida has created a culture in the state in which citizens understand and appreciate the importance of preparation and planning (McBride-Davis, 2008). The experience and cultural influence was a factor in the willingness of local communities and state agencies to participate in the LMS process. Florida’s experience with disaster influenced a culture of preparation and mitigation, which is addressed further in Chapter V.

### **3. Formalizing the Planning Process with Community Partners**

The Disaster Mitigation Act in 2000 was incorporated as Section 322 of Mitigation Planning within the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The Disaster Mitigation Act in 2000 “revitalized approaches to mitigation planning” and focused on “the need for State and local entities to closely coordinate mitigation planning and implementation efforts” (Florida Department of Community Affairs, 2011). The Act in 2000 also “established a requirement for local mitigation plans” (Florida Department of Community Affairs, 2011). The Section 322 requirement for local and state mitigation plans mandated that communities had to contribute plans so that the state could be eligible for pre- and post-disaster mitigation Hazard Mitigation Grant Program (HMGP) funds (Birkland, 2006, p. 111). Florida is only one of seven states that requires communities to prepare plans with a natural disaster element (Birkland, 2006, p. 143). According to Birkland, “Florida’s mandate is quite strong” whereby the state reviews all community plans for consistency with the overall state plan. Eventually, the State Hazard Mitigation Plan was adopted in 2004 and has since been updated in 2007 and 2010 (Florida Division of Emergency Management, 2010). During this time of creating coordinated planning, citizens often referred to mitigation as “breaking the cycle” to move past the cycle of repairing damage from disasters only to repair them again the next time a disaster should occur.

The Florida DEM has made a concerted effort to incorporate local communities in the planning effort and asked its citizens to take on a planning role to prepare each community and state as a whole properly. The importance of the community perspective was at the core of the Florida DEM while under the leadership of Mr. Craig Fugate from 2001 to 2009, which was reaffirmed in a hearing before the U.S. Congress when he stated, “I think if you are going to be successful in any scale disaster, including catastrophic, you have to design plans that address the needs of a community” (Ad Hoc Subcommittee on Disaster Recovery for the Committee on Homeland Security and Governmental Affairs, 2009). The DEM’s focus on the planning process and

coordinating efforts with the community paid off in 2003 when Florida “became the first state emergency management program in the nation to receive full accreditation from the Emergency Management Accreditation Program” (The White House, 2009).

#### **4. Emphasizing Partnerships and Synchronizing Efforts**

The ability for the DEM to synchronize efforts in Florida has certainly contributed to its effective planning process and partnerships with local communities, state agencies and the private sector. An open and inclusive environment has been established and in 2008, the number one short-term priority was “partnerships” so that the state could ensure “capabilities at all levels will be accomplished by encouraging staff to provide premium customer service to Florida citizens, local governments, and State agencies” (Florida Division of Emergency Management, 2008, p. 8).

The emphasis on partnerships was no doubt due in part to the Director of the DEM, Mr. Craig Fugate. During testimony before the U.S. Congress, Mr. Fugate stated, “I believe in partnerships” when referencing the importance of FEMA working with state and locals for disaster planning and mitigation (Ad Hoc Subcommittee on Disaster Recovery for the Committee on Homeland Security and Governmental Affairs, 2009). Indeed, Mr. Fugate’s career began in 1987 as a lieutenant in the Alachua County Fire Rescue Department and he eventually moved to the county level as an emergency manager. After 10 years supporting his community, he was appointed as the Director of the Florida Division of Emergency Management during which time he successfully managed and led his state towards a “model” planning and response construct. Upon his nomination as the FEMA Administrator, DHS Secretary, Janet Napolitano, stated, “he is one of the most respected emergency managers in the nation, and the work he’s accomplished in Florida serves as a model for other states to follow” (The White House, 2009). Effective leadership can influence mission partners and resolve issues to reach unity. The nomination of Mr. Fugate to lead FEMA certainly demonstrates his ability to lead effectively in Florida, which was sought to lead disaster responses at the national

and federal level. Strong leadership in Florida is an important factor that supported the concept of creating partnerships to synchronize planning and unity of effort during response operations.

In addition to Mr. Fugate's leadership to build partnerships, other effective initiatives were in place to examine hurricane policies that brought multiple stakeholders in Florida together. The Governor's Hurricane Conference began in 1987 and has been an annual event that promotes knowledge sharing among state, local and federal officials. According to Birkland, "the conference has become an important learning mechanism" for the participants and has yielded productive outcomes for mitigation planning in Florida (Birkland, 2006, p. 140). Also, following Hurricane Andrew in 1992, it is well understood that FEMA and Florida failed to coordinate effectively. Then Governor Chiles established the Governor's Disaster Planning and Response Review Committee to discover why the coordination was "broken" and what could be done to fix it (Birkland, 2006, p. 141). The committee made 94 recommendations and many were adopted by the Florida legislature. Birkland posits that the "key catalyst" to adopting many of the committee's recommendation was due to the disastrous experience Floridians had with Hurricane Andrew (Birkland, 2006, p. 143). In the end, it was clear that better synchronization is contingent on partnerships with communities and other partners.

## **5. One Chain of Command**

In 2008, a Strengths, Weaknesses, Opportunities and Threats or SWOT Analysis was conducted and found that Florida's biggest strength was the DEM's ability "to coordinate multi-functional emergency tasks among a variety of government and private agencies" (Florida Division of Emergency Management, 2008, p. 10). In the opportunities portion of the SWOT analysis, "the importance of having a single point of command and control in any emergency" was identified by those who work with the DEM (Florida Division of Emergency Management, 2008). During a disaster, the Governor of Florida can activate the SERT, which operates as the lead organization in a single chain of command, which "ensures communication with local authorities, coordinates state response efforts, and facilitates federal disaster recovery funding for

individuals and governments” (United States House of Representatives Committee on Homeland Security, Subcommittee on Emergency Preparedness, Response and Communications, 2011). The SERT maintains all planning, logistical and financial coordination; however, the elected officials in a local community maintain their “operational control” in their respective areas.

Florida’s new approach following the devastation caused by Hurricane Andrew paid off during the 2004 and 2005 hurricane seasons and the state and local partners who had been conducting mitigation planning and preparing together “quickly mobilized, worked together” to provide response and recovery support to its citizens (Gerencser, Van Lee, Napolitano, & Kelly, 2008, p. 27). This kind of unified response or what could be called “collective leadership” that has taken place in Florida is a prime example of a “megacommunity” model (Gerencser et al., 2008, p. 28). A “megacommunity” recognizes that to fix problems or issues, mission partners and organizations must come together as a collective group and take action that addresses those issues and benefits everyone. Florida created unity of effort and accomplish common goals by organizing assets and people to resolve problems identified from experience with disasters.

## **6. Applying the Florida Model**

Florida’s flexible and interconnected emergency management apparatus has proven to be successful before and in response to emergencies in the state. The “megacommunity” has made many strides since Hurricane Andrew to institute mitigation efforts and create a unified response team comprised of local, state and private sector partners. The issues that surround unity of effort among Title 10 and Title 32 military members are not equivalent to the state of Florida. That being said, the manner in which Florida has applied certain concepts and constructs are applicable to Title 10 and Title 32 response missions in the homeland.

Florida’s emphasis on partnerships and coordination is at the root of its success. The Local Mitigation Strategies (LMS) initiative brought people and organizations together in a new way that not only accomplished the goal of developing local strategies to be integrated into an overall state strategy, but it also opened communication channels

among these organizations for future cooperation. Florida had the ability to set requirements for local strategies, which definitely factors into their coordinated success. Unfortunately, requiring coordination among Title 10 and Title 32 military members is not something that can be mandated; however, that does not mean that cooperation and building partnerships cannot be fostered through other means.

A unified chain of command is another successful take-away from the Florida Division of Emergency Management. Again, while federalism is not a factor in the state managed operations, jurisdictional issues are at play with many state, local and private sector mission partners. The Florida Division of Emergency Management has a synchronized command and control system for emergency response operations under the State Emergency Response Team. Additionally the command and control construct in Florida preserves operational control to the local community, which can be directly applied to the issue of command and control of Title 10 military operating within a state.

#### **D. STRENGTHS AND WEAKNESSES OF THE CASE STUDIES**

Strengths and weaknesses exist with regard to the applicability of these case studies to creating unity of effort among Title 10 and Title 32 military members for response operations in the homeland. Overall, the biggest strength gleaned from these case studies is that unity of effort among mission partners responding to disasters or emergencies is possible. However, some factors resident in these case studies do not translate to the current situation.

##### **1. Strengths**

Substantive evidence appears to exist that response operations under the Home Front Command in Israel and the Florida Division of Emergency Management's use of one chain of command is more effective than separate chains of command. When communication among mission partners, whether military, civilian leadership or both, is given great emphasis, it can positively impact unity of effort. Evaluating unity of effort in response to natural and manmade attacks substantiates that unity can be achieved in



response to “all hazards” impacting the United States. Ultimately, these case studies offer operational constructs and methods to corral support from stakeholders that can improve unity of effort.

## **2. Weaknesses**

Given the experiential differences in Florida and Israel, it is clear from the research that citizens in these areas are more flexible and willing to take on new policies and requirements that enhance disaster or emergency response operations. Unfortunately, the reality of federalism and state sovereignty in the United States challenges the establishment of these types of policies or requirements, which must be considered when replicating best practices. In addition, the experience with disasters has impacted the cultures in Israel and Florida, which again is not an exact comparison and must be analyzed.

## **E. SUMMARY**

The ultimate goal of assessing these cases was to find proven, reasonable ways to approach the problem of unity of effort between Title 10 and Title 32 military during response missions in the homeland. Looking to history, lessons learned and successful models for creating unity of effort will only educate and enhance the reader’s perspective and appreciation for the concept when it is successfully implemented. The case studies cover the breadth of possible scenarios that face the U.S. homeland, from acts of terrorism to natural disasters. In addition, these cases touch on military, civilian, international and domestic perspectives that demonstrate unity of effort does not have to be defined by statutory authorities, location, position or form of government. The Home Front Command and the Florida Division of Emergency Management have much in common that can help determine a way ahead for unity of effort among military members operating in the homeland. Their successful experience with a synchronized, unified effort suggests that a paradigm shift is not only possible but also essential. The next chapter seeks to fill the knowledge gap that afflicts the creation of unity of effort among Title 10 and Title 32 military by outlining the complexities of culture and perspective that separate them and identifying best practices that can assist them.

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## **V. SO WHAT? ANALYSIS AND FINDINGS**

The world as we have created it is a process of our thinking. It cannot be changed without changing our thinking.

– Albert Einstein

### **A. INTRODUCTION**

The following chapter synthesizes the issues that affect Title 10 and Title 32 military members' ability to create an operational unity of effort during response missions in the homeland. It is important to understand and appreciate the complexities to move forward; thus, analyzing the issues that have hindered unity of effort among military are addressed and findings presented. The case studies are also analyzed to provide constructive findings that should be used to shape policy and a pathway of creating unity of effort among Title 10 and Title 32 military members. In doing so, this chapter serves to fill the knowledge gap that exists among the active and reserve so that a reasonable approach for a way forward can be determined.

### **B. CULTURE, CONFLICT AND PERSPECTIVE**

According to Rufus Miles, “where you stand depends on where you sit” (Miles, 1978). One issue that has contributed to the lack of unity before and during response missions in the homeland among Title 10 and Title 32 military members relates to the underlying cultural differences and perspectives among them. Although, members of the active and reserve military serve one nation, they often do so in different roles, under different authorities and with different responsibilities. These differences, over time, have created separate cultures, which influence how they identify themselves as a group, or rather, as a component in the U.S. Armed Forces. The following analysis is not meant to suggest that separate components and cultures are harmful but yet that conflict resulting from their different cultures should and can be resolved. Former Secretary of Defense, Robert Gates, expressed his thoughts on culture and adapting to change in a new threat environment while speaking to the Air War College in 2008, when he stated:

this new set of realities and requirements have meant a wrenching set of changes for our military establishment...The really tough part is preserving those elements of the culture that strengthen the institution and motivate the people in it, while shedding those elements of the culture that are barriers to progress and achieving the mission. All of the services must examine their cultures critically, if we are to have the capabilities relevant and necessary to overcome the most likely threats America will face in years to come. (Department of Defense, 2008)

Unfortunately, the most likely threats that Americans will face in the homeland for years to come are not only natural disasters but also possibly terrorist attacks. Overcoming cultural barriers is critical to create an environment in which Title 10 Active Duty and Title 32 National Guard can effectively and efficiently respond to emergencies and disasters in a unified effort in the homeland. “Now is an opportune time for the U.S. government to bridge the cultural, bureaucratic and budgetary gulf that still divides full-time active duty and reserve personnel” (Nagl & Sharp, 2010, p. 7).

### **1. Social Identity and Institutional Pathology**

First, it is important to consider the sociological understanding of group dynamics and an individual’s propensity to join a group and adhere to its policies and/or its culture. The group that an individual adopts defines an individual’s social identity. Tajfel’s work on social identity theory and substantive research on intergroup behavior helps explain why people identify with a group by self-categorization and self-enhancement processes (Robinson & Tajfel, 1996, p. 67). In other words, considerable sociological research concludes that individuals choose a group to belong to and consider the group their social identity. Moreover, when an individual identifies with a certain group or an “ingroup,” then other groups that an individual does not belong to then become the “outgroup” (Robinson & Tajfel, 1996, p. 68). The tension and conflict that results from the “ingroup-outgroup” dynamic can reasonably be attributed to many factors including religious, racial, ethnic, cultural and other differences. This sociological understanding of the “ingroup-outgroup” dynamic relates to Title 10 and Title 32 military members and the way they interact with each other, specifically during response missions in the homeland.

Each organization discussed in Chapter III that has been involved in creating unity of the effort for military in the homeland has an institutional pathology that is disparate from the other. According to Caplin and Nalebuff (1992), whether “membership-based” or “position-based,” an individual will select or associate with a particular “institution” based on its anticipated choices and policies. Further, once an institution has selected its policies, “no individual wishes to switch to another institution” (Caplin & Nalebuff, 1992). The varying views on how to create unity of effort and command and control of military forces within a state are all distinct depending on the institution to which an individual relates or belongs. Understanding the perspective of each institution will help breakdown the barriers that define them. This does not mean that institutions should concede their views or policies; however, it does imply that being open to learning and sharing ideas could eventually bring the institutions closer to solving a problem.

These separate groups or “institutions” have developed separate cultures and a natural conflict has occurred over time. There is nothing new about intergroup tension and conflict; however, resolving the issues that infer separate cultures and group identities can be challenging. It is important to consider their differences to seek ways to resolve a cultural conflict.

## **2. The Differences That Define Them**

One way to describe the difference between the active duty and the reserve component is equating time in service by full-time and part-time status. According to the Army, an active duty soldier has a full-time job of training, whereas, an army reserve soldier can expect to spend one weekend a month training and one two-week field training exercise commitment a year (U.S. Army, 2011). Similar to the Army Reserve, the Army National Guard also train one weekend a month and one two-week exercise period a year. Over time, some have referred to members of the reserve component as “weekend warriors” because of the weekend commitments required for training. Although not seemingly negative, this moniker carries a stigma that members of the Reserve Component do not have the same requirements or expertise as those in the active

duty. Both active and reserve forces can be called upon for Title 10 Active Duty service in support of wartime operations. That being said, the rotation cycles differ between the active and reserve components and among the services as well. For the most part, the active duty wartime rotation cycle is on a shorter string than the reserve component; thus, active duty members are called upon more often to return to overseas operations. Training requirements, time in service, professional education and differences in overseas deployments are some areas in which varying service commitments lead to separate cultures, not just components, in the active and reserve military.

With regard to training, Title 10 Active Duty members are training for various overseas missions in a full-time status. As “citizen soldiers,” Title 32 National Guardsmen train for overseas missions, as well as those civil support missions that they expect their local community and state governor will request. Thus, training and expertise can mean something different and certainly impacts how these cultures interrelate. USNORTHCOM has made efforts to train Title 10 Active Duty members to understand the DSCA mission better and how to relate to civilian authorities outside their chain of command (U.S. Northern Command, 2011). This kind of training is one way in which Title 10 Active Duty are increasing awareness of the civil support expertise that Title 32 National Guard inherently understand. DSCA training for Title 10 Active Duty members is an educational, interdisciplinary opportunity that can be used to overcome cultural obstacles.

In the realm of training for joint experience, the Active Duty and Reserve Component are held to the same standards for the DoD Joint Officer Management Program under Title 10 of U.S. Code (10 USC Sec. 661). The very essence of joint experience is applying an interdisciplinary approach to training and education, whereby officers learn from “a heightened awareness of joint requirements, including multi-service, interagency, international, and non-governmental perspectives” (Department of Defense Instruction 1300.19, 2010). In accordance with DoDI 1300.19, to progress to higher ranks within your service and be selected for a general or flag officer position, it is necessary to be “joint qualified” based on “achievement and/or completion of education, training, and experience that develop and utilize knowledge, skills, and abilities relevant

to the definition of joint matters” (Department of Defense Instruction 1300.19, 2010). It is constructive that both the active and reserve components are held to the same standards in this regard; however, the National Guard are not afforded the same opportunities as the active duty for joint experience to become “joint qualified.” All too often, members of a National Guard unit within a given state will rise in the ranks within their organization but will not have the opportunity to serve in joint commands or at echelons above a brigade or wing. It should be noted that while additional joint training and experience opportunities could be provided to National Guard members, each state has its own standards under the authority of a state governor to promote a National Guardsman to the general or flag officer rank. The Adjutant General or TAG of a state is an elected or appointed position and joint experience requirements as outlined in DoDI 1300.19 do not apply. As such, the differences in joint experience and joint requirements among Title 10 Active Duty and Title 32 National Guard members are factors that lead to a cultural conflict.

### **3. One Team but Not One Fight**

The slogan “one team-one fight” is synonymous throughout military culture and often used to describe the positive and constructive nature in which military members, who may serve in different capacities or services, work together to accomplish a common goal. No one service branch is credited for using this motto and all too often “one team-one fight” refers to joint operations between service members from the Army, Navy, Air Force and Marine Corps. Each of the services and components have their own cultural dynamics that set them apart, yet when the duty calls, service members look past their cultural differences and work together to conduct a successful mission. In particular, active and reserve members operate as one team for missions that have been part of the overseas contingencies of the past 10 years. As General Gordon Sullivan (Ret) put it, “after a decade of war in which active duty and reserve troops served side-by-side, the sweat of shared sacrifice should wash away lingering rivalries, particularly among the younger generation of service members” (Nagl & Sharp, 2010, p. 7).

In the DSCA mission set in the homeland, the concept of “one team-one fight” is often more difficult to achieve. During Hurricane Katrina, “the White House, Congress, multiple think tanks, and the public observed dysfunctional relationships and lack of unity of command and effort by Federal and state forces” (Burkett, 2008). However, it is possible to overcome communication and/or cultural barriers between the active and reserve components as seen with successful overseas operations. Yet, in the homeland, the area of operations in which the “team” is carrying out the “fight” is more complicated. Federalism and state sovereignty impact the roles and responsibilities of service members among the Title 10 Active Duty and Title 32 National Guard, which leads to differences when they interact and are expected to respond in a unified manner. The result is a conflict of who is in charge, the President and a state governor, which then manifests into command and control struggles among Title 10 and Title 32 members. Hence, developing one “team” to come together for one “fight” is inherently difficult when different leaders are in command and control of parallel but separate chains of command in the homeland.

These detached chains of command have not been conducive to synchronizing efforts among Title 10 and Title 32 military members for operations in the homeland. Multiple examples abound in which these distinctively disparate chains of command negatively impact operations and create perceptions that have impacted the cultural dynamic between them. In reference to Title 10 Active Duty support efforts, Burkett reports that in 2005 during Hurricane Wilma, “Governor Jeb Bush of Florida called the Secretary of Homeland Security, Michael Chertoff, and complained that the Federal Government’s unilateral actions were insulting to him personally and to the citizens of Florida” (Burkett, 2008). The perception that the Title 10 Active Duty as “Big Army” will come in and take over domestic response operations in a state still exists and adds to the cultural conflict between the Active Duty and National Guard.

In response to questions regarding coalition operations in Libya in 2011, Secretary Robert Gates replied, “this command and control business is complicated” (Martin, 2011). Concerns over command and control and exactly who is leading the



effort is nothing new; however, a cultural conflict has resulted over time among mission partners in the homeland and should be addressed in a new way to ensure “one team” to protect U.S. citizens when disasters and emergencies occur.

#### **4. A New Outlook Focused on Appreciation for the New C2**

Resolving the tension or conflict that results from underlying cultural difference among Title 10 and Title 32 members of the military can be done but it will take a new, shared outlook focused on appreciation for culture and context, the new C<sup>2</sup>. For Title 10 and Title 32 military, “intergroup contact and attitude change” can resolve conflict and may help create unity of effort among them (Robinson & Tajfel, 1996, p. 183). Changing attitudes is a long-term effort but one that can be accomplished by continuous intergroup contact and leaders who emphasize a new outlook. Leaders can generate a shift in the attitudes of their subordinates or followers and develop or change institutional behaviors. The trick is institutionalizing this shift focused on a new outlook that demonstrates trust, respect and mutual understanding. Previous USNORTHCOM Commanders have been focused on making headway to build trust, specifically General Gene Renuart and Admiral James Winnefeld during their tenure. General Gene Renuart emphasized anticipating the needs and requests of civilian authorities and believed that building relationships before a disaster was paramount (Center for Army Lessons Learned, 2010). By many accounts, Admiral James Winnefeld built trust and confidence with Title 32 National Guard and state civilian authorities during his tenure as Commander of USNORTHCOM. Thus, institutionalizing this positive exchange will yield better results for unity of effort in the future. During the confirmation hearing of Lieutenant General Charles Jacoby before the Senate Armed Services Committee on July 28, 2011, Admiral Winnefeld’s successor stated, “I’ll commit to you that I will continue to develop those relationships and have that strong—strong, trusting, working partnership that’s required for support to the states and the civil authorities for the defense of the homeland” (Senate Armed Services Committee, July 28, 2011). Continuing the progress that has been made increases the ability for a new outlook to be institutionalized not only at USNORTHCOM but also among active duty military.

As part of a new outlook, it is imperative that Title 10 active duty members understand the Title 32 National Guard context and convey a recognition that Guardsmen know their state and what a community needs. In a demonstration of this new focus on a new C<sup>2</sup>, Admiral James Winnefeld, wrote on his Commander's Blog within the post "The Need for Good Relationships," that "the governors and adjutants general know their states. They know the people in their states. They know the unique laws of their state. They know the terrain, and they know what resources the state has available" (NORAD & USNORTHCOM Commander's Blog, 2011). Leaders who set a new tone and lead by example enhance the likeliness that barriers will be broken.

With that in mind, an increased emphasis on understanding the capabilities resident among Title 32 National Guard within a given state or community is essential to demonstrating appreciation for their capacity during operations and knowing ahead of time how to augment those capabilities. It is important to consider that traditional National Guardsmen have full-time civilian careers, which shapes their role and perspective as a Guardsman differently than full-time active duty members. As such, work experience outside the military construct further contributes to the National Guard context. Ultimately, overcoming cultural barriers means appreciating the context that shapes an organization and its people.

This concept of understanding and upholding culture and context is currently being translated into a command and control structure founded in the Dual-Status Commander initiative. The Council of Governors proposed the dual-status commander construct:

The secretary of defense opened the policy door with his willingness to consider dual status command authorities to address the Governors' concerns. This enabled the new commander of U.S. Northern Command (NORTHCOM), Admiral Winnefeld, to identify key middle ground, and shift course to a new vision on this critical issue. (Schumacher, 2011)

On April 14, 2011, President Barack Obama delegated functions and authorities to the Secretary of Defense to authorize Title 10 Active Duty and Title 32 National Guard officers to accept a dual status command authority over both Title 10 and Title 32

military members (The White House, April 14, 2011). The dual-status commander initiative symbolizes a cultural shift and a “new vision” focused on flexibility and compromise in this every-changing threat environment.

## **5. Setting a “Superordinate Goal” to Unite Them**

In addition to establishing a new outlook on culture and context, Title 10 and Title 32 military members are moving in a direction of setting a collective “superordinate goal.” The principle of a “superordinate goal” is defined as two groups working closely and cooperatively to reach a common task or goal (Sherif, 1958). This social science principle can be used to reduce intergroup conflict and unify organizations as they work together (Sherif, 1958). The Joint Action Plan on Unity of Effort is one of example where Title 10 and Title 32 military members have worked together to codify a plan and new way of reaching unity of effort. Creating unity of effort seems to be their collective “superordinate goal” and establishing an action plan along with the many conversations and discussions included in that planning process has helped reduce conflict.

## **C. LEARNING FROM DIFFERENT PERSPECTIVES TO CREATE UNITY OF EFFORT**

Learning about new ideas and ways in which to solve a problem, particularly after a disaster occurs, is normal (Birkland, 2006). However, learning from disasters does not always translate into policy change. As previously discussed in Chapter I, response operations to Hurricane Katrina were not unified among Title 10 and Title 32 military; yet, the policy changes to facilitate that this lesson has been learned have not produced real unity of effort. Note, of course, that many initiatives have been established to address this lesson, such as department directives, executive orders, policy and training as discussed in Chapter II. Nevertheless, it remains to be seen whether learning from disconnected military response operations to Hurricane Katrina has turned into an effective change in policy that yields unity of effort. Several recent initiatives have moved the ball forward with regard to learning that leads to policy change. The types of learning that have occurred from these initiatives and what has resulted are examined.

## **1. Social Policy Learning**

In *Lessons of Disaster*, social policy learning is characterized as:

Learning goes beyond simple adjustments in program management to the heart of the problem itself, including attitudes towards program goals and the nature and appropriateness of government action...Social policy learning involves the interplay of ideas about how problems come about and how they can be solved, and is much more likely to engage ideology and belief systems. (Birkland, 2006, p. 16)

Social policy learning has been at the root of the Council of Governors in its effort to resolve command and control issues to create unity of effort. The council meetings and follow-on correspondence has afforded an opportunity for stakeholders at the federal and state levels to discuss unity of effort to share ideas, resolve issues, and ultimately, impact policy. In essence, the council environment has maintained each stakeholder's institutional beliefs but allowed social policy learning to occur so that the stakeholders understand and appreciate the perspective of other institutions.

## **2. Political Learning**

In addition to social policy learning, political learning is also happening within the Council of Governors. *Lessons of Disasters* defines political learning as, "learning about strategy for advocating a given policy idea or problem leading potentially to more sophisticated advocacy or a policy idea or problem" (Birkland, 2006, pp. 16–17). Political learning should not be distorted as a negative thing. The council consists of political partners and the issue of unity of effort is directly tied to federalism. Thus, it is natural that policymakers and political actors participating in the council would experience political learning.

## **3. Summary of Learning Types and Impact on Policy Change**

As the council has worked together on unity of effort, views have changed given the new policy options that have been offered. For example, Contingency Dual-Status Command is a shift in policy that the DoD and USNORTHCOM offered to alleviate state and National Guard concerns about command and control of military forces, both Title 10 and Title 32, operating in a state. This shift in policy over command and control of forces

has altered the landscape among stakeholders or “institutions” and as such social policy learning and political learning have occurred. Both learning types have contributed to the effectiveness of the council and real policy change in the Dual-Status Command Initiative. This, in turn, has been a “focusing event” that has reinvigorated attention to a pre-existing idea, involuntary mobilization of federal reserve military forces for emergencies and disasters in the homeland (Birkland, 2006, p. 165). The council considered this policy change and offering a proposal to the Senate Armed Services Committee and the House Armed Services Committee to be considered and included in the FY12 National Defense Authorization Act.

The Council of Governors is an ideal demonstration of dismantling institutional pathologies to learn and develop appreciation for different perspectives. The institutions involved with the learning are not abandoning their beliefs but are clearly willing to consider ideas, new and old, to truly learn lessons and change policy to develop unity of effort. “The analysis shows that disaster-related learning and policy change can occur at the state as well as the national level” (Birkland, 2006, p. 104). Known best practices found in other organizations and history can help develop policy needed for disaster-related learning.

#### **D. LEARNING FROM PROVEN BEST PRACTICES**

The Home Front Command in Israel and the Florida Division of Emergency Management have both had success in creating unity of effort among their respective mission partners. Valuable policies and practices have contributed to their ability to create unity of effort. Various practices are applicable to developing a new outlook and approach on creating unity of effort among Title 10 and Title 32 military members.

The Israeli Home Front Command and Florida Division of Emergency Management experience can be useful to U.S. military coordination apparatus to enhance unity of effort during DCSA missions. However, a nuanced approach emphasizing a mutual understanding of federalism and sovereignty is critical. It is difficult to draw an exact parallel relationship to the Title 10 and Title 32 military response because of the various organizations at state and federal levels that complicate this dynamic. However,

best practices from these international and domestic cases can support a new and nuanced approach. Israel and Florida have several best practices in common, which further supports the argument that these organizations have successful practices and policies that lead to unified operations. The best practices are now discussed as follows.

### **1. Culture of Preparation**

Israel and Florida have had to adapt because of the threats their citizens face. In their culture of preparation, Israel strengthened its civil defense through multiple defense policies and Florida became a “megacommunity” by focusing on the community and building partnerships. Experience with terrorist attacks and natural disasters have forced these “states” to take new and necessary steps to create unity among their response mission partners. The analysis supports the argument that societies who experience disasters, manmade or natural, are prone to take action to prepare and prevent future incidents.

Natural and manmade disasters or emergencies will impact Americans in the future. It is not a matter of if but when U.S. military forces, Title 10 and Title 32, must be ready to support in a unified manner. A New Madrid earthquake scenario that impacts multiple states and thousands of citizens would most certainly require a cohesive and unified response from Title 10 and Title 32 military forces. While many other devastating scenarios are likely, the New Madrid seismic zone was recently addressed in May 2011 as the National Level Exercise (NLE) that involved local, state and federal coordination. It is well known among the scientific community that a New Madrid earthquake could be utterly catastrophic, affecting seven or more states, countless buildings and infrastructure, nuclear power plants and residential homes (U.S. Geological Survey, 2009). The 1811 New Madrid earthquake and aftershocks through 1812 were felt from the Mississippi River valley to Pittsburgh, PA (U.S. Geological Survey, 1974). Figure 9 shows the estimated coverage and acceleration of an earthquake along the New Madrid fault.

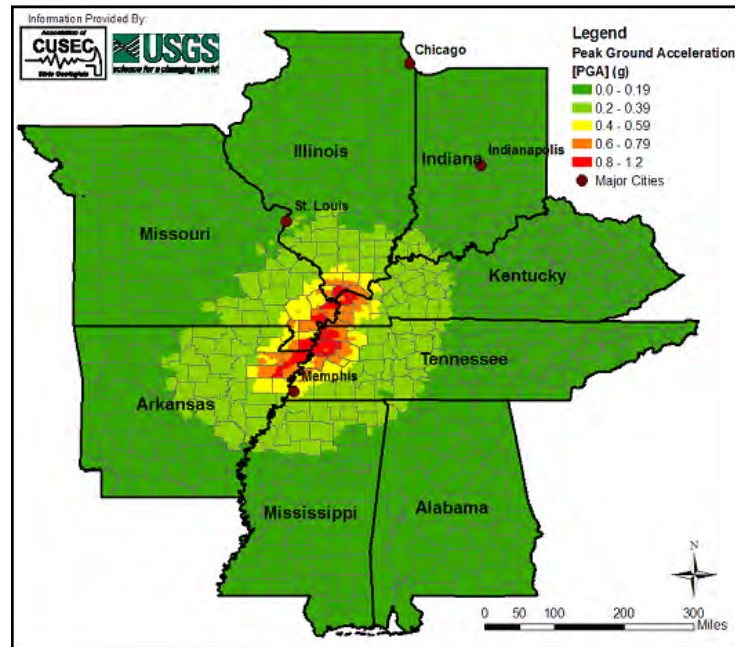


Figure 9. Peak ground acceleration (From: Mid America Earthquake Center, 2009)

To compare the New Madrid seismic zone with other regional seismic zones in the United States, see Figure 10.

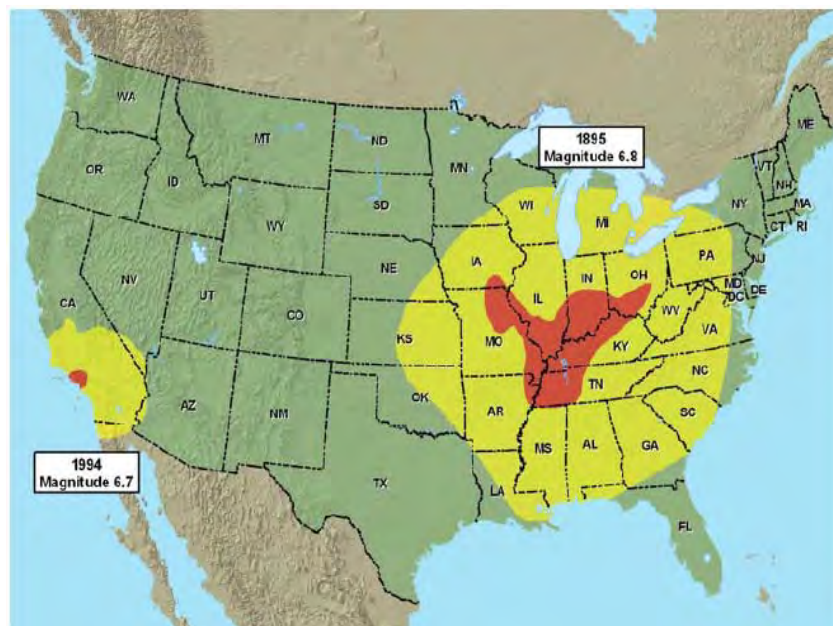


Figure 10. Comparison of New Madrid earthquake in 1895 and Northridge, CA earthquake in 1994 (From: National Infrastructure Analysis Center, 2007, p. 4).

The National Infrastructure and Analysis Center (NISAC) conducted a study in 2007 assessing damage to energy infrastructure from a New Madrid earthquake on a national scale. The areas in the study analyzed were national gas service, crude oil and refined product service, the transport of coal by river and electric power generation and transmission (National Infrastructure Analysis Center, 2007). Of course, measurements can change depending on the severity of the earthquake but NISAC's estimates in each energy sector were drastically impacted and major challenges in restoration would occur for weeks or months (National Infrastructure Analysis Center, 2007, p. 40). Data collected by the Mid American Earthquake Center (MAE) for the NLE on the New Madrid seismic zone reported that "nearly 715,000 buildings are damaged in the eight-state study region...about 42,000 search and rescue personnel working in 1,500 teams are required to respond to the earthquakes" (Mid America Earthquake Center, 2009). In addition, the study by MAE estimates that "three days after the earthquake, 7.2 million people are still displaced and 2 million people seek temporary shelter" (Mid America Earthquake Center, 2009). These assessments and numbers are eye opening and provide context of what is at risk in the region depending on the severity of the earthquake. Much can be learned from the ongoing struggle to rebuild in Haiti, Japan and New Zealand after they experienced devastating damage to infrastructure following the results of earthquakes.

A New Madrid earthquake would impact thousands if not millions of Americans as these studies project, which would most certainly require support from Title 10 and Title 32 military members. Creating a culture of preparation not only means developing unity of effort among Title 10 and Title 32 military members but this scenario also highlights the need for additional personnel to assist in the response and recovery efforts. Referring to Dr. Chris Bellavita, Tussing writes, "Bellavita declared, 'people are always going to be a part of response; the bigger the incident, the more the people.' Hence, in the preparations leading up to and through our exercises, organizers should 'make room for the people'" (Tussing, 2011). In other words, a "mega catastrophe" or disaster of this



magnitude may require additional assets and those in the Title 10 federal reserve could help save lives and mitigate suffering. Mitigation, according to Birkland, “is any action that would lessen the impact of a natural disaster” (Birkland, 2006, p. 106).

According to the “The Federal Response to Hurricane Katrina: Lessons Learned,” response time to an emergency or disaster is critical in the effort to save lives and mitigate suffering when, “time equals lives saved” (The White House, 2006, p. 53). It is often said that there is not an established “requirement” or need for Title 10 Federal Reserve forces to respond to emergencies or disasters in the homeland. However, Title 10 Federal Reserve service members are dispersed in units around the United States and may be closer in proximity respond to an emergency. Also, in this new debt-conscious environment, the DoD needs to explore new and creative ways to use forces and assets efficiently. Access to Title 10 Federal Reserve forces that are closer in proximity to an emergency or disaster in the homeland may reduce the cost currently expended to transport other Title 10 and Title 32 military to the incident. In a Senate Floor statement, the co-chair of the Senate Guard Caucus, Senator Christopher “Kit” Bond, stated, “time and time again, we have seen Reserve units stationed within close proximity to a natural or manmade disaster forced to stand by and watch when they could have been assisting injured victims in preventing loss of property” (Bond, 2009). In 2007, the DoD could not call upon various Title 10 Federal Reserve units stationed in California that could have assisted the state during emergency response efforts for ongoing wildfires. These Title 10 Federal Reserve units include the following.

- 13,568 U.S. Army Reserve personnel
- U.S. Marine Corps helicopters (CH-47) at Camp Pendleton and Edwards Air Force Base (AFB), CA
- U.S. Air Force Reserve air evacuation and air transportation aircraft (C-17 and C-5) at Travis AFB and March Air Reserve Base (ARB), CA
- U.S. Air Force Reserve medical group at Travis AFB, CA

Similarly, in 2008, before landfall and following Hurricane Ike, the DoD could not call upon Federal Reserve units stationed in Texas to support the emergency response efforts. The Federal Reserve units include the following.

- 18,164 U.S. Army Reserve personnel
- U.S. Army Reserve helicopters (CH-47 and UH-60) at Fort Hood, TX
- U.S. Air Force Reserve air evacuation aircraft (C-17 and C-5) at Lackland AFB, TX
- U.S. Navy Reserve air transport aircraft (C-9) at Fort Worth Naval Air Station Joint Reserve base, TX
- U.S. Marine Corps transportation units in Lubbock, TX

As Admiral Winnefeld stated in his April 2011 hearing before the Senate Armed Services Committee, “we would never want to have to come to this committee and explain why we were not able to bring all elements of national power to bear to help American citizens that are in danger” (Senate Armed Services Committee, April 5, 2011, p. 8). Thus, as part of developing a culture of preparation, changing policy and legislation that would allow Title 10 Federal Reserve forces to assist with disasters and emergencies would be prudent.

## **2. One Chain of Command**

Israel synchronizes its response operations under the Home Front Command and Florida activates its State Emergency Response Team under the Florida Division of Emergency Management during its emergency response operations. The research demonstrates that effective, unified response efforts are due in part to the single chain of command. A streamlined construct for command and control has allowed both Israel and Florida to communicate and coordinate with all of their partners so that they can operate in a synchronized manner.

Currently, Title 10 and Title 32 military members operate under two separate but parallel chains of command, as previously addressed. The concept of a dual-status commander leading both chains of command has been viewed as an approach to bridge them together and create a cohesive, unified response effort for Title 10 and Title 32 military in the homeland. This concept has been tested in pre-planned National Special Security Events or NSSE’s but has not been tested fully during real-world, no-notice events. As discussed in Chapter III, the Council of Governors put forward the Contingency Dual-Status Command Concept or CDSC as a method to create unity of

effort between Title 10 and Title 32 military operating in a state. In November 2010, a proof-of-concept tabletop exercise was conducted in Florida and participants, including the Florida Division of Emergency Management, Florida National Guard, National Guard Bureau, US Northern Command, Federal Emergency Management Agency-Region IV and the Region IV Defense Coordinating Element, agreed, “that the Dual Status Commander concept will improve Unity of Effort” (Schumacher, 2011). The Council of Governors forged ahead with the training support of USNORTHCOM and continued its training of dual-status commander at their headquarters in Colorado Springs, CO. The dual-status commander training is for both Title 10 and Title 32 military and it has been described that if a Title 32 National Guardsman is the dual-status commander that the deputy would be Title 10 and vice versa. In his hearing on July 27, 2011 before the House Armed Services Subcommittee on Military Personnel, Chief of the National Guard Bureau, General Craig McKinley testified on dual-status commanders and stated, “I’m pleased to report that we’re making great progress in that area. 38 states have the dual status commander already trained. The rest will be in the next class in Colorado Springs” (House Armed Services Committee, 2011). The dual-status command concept has been well received by all mission partners as a step in the right direction to resolve unity of effort issues between Title 10 and Title 32 military. This concept is making incredible strides by also bringing these partners together to work on a common goal, which has enhanced their overall partnership.

### **3. Formalize the Process**

Both Israel and Florida established authorities or requirements that ensure mission partners support their defense and emergency response apparatus. Israel has several statutes that mandate reserve military and civilian participation during emergency response operations in the state. Florida made planning requirements for their local communities to develop a cohesive state mitigation plan. While changing or adding statutory authorities and planning requirements could be an option in the United States for Title 10 and Title 32 military, it is unlikely that this path would harbor good will among mission partners. However, formalizing the process for unity of effort can take shape in other ways, some of which are occurring through the Council of Governors.

The Joint Action Plan on Unity of Effort has been formally accepted and agreed-upon among the Council of Governors, which has helped codify operational needs and desires among governors and Title 10 and Title 32 military when responding to disasters or emergencies in a state. The five areas emphasized in the Joint Action are dual-status command, shared situational awareness, joint reception, staging, onward movement, and integration (JRSOI), mission assignments/pre-scripted mission assignments and planning (Stockton, 2011). Implementation guidance is forthcoming given that the Council of Governors has approved the plan.

On July 17, 2011, the Council of Governors unanimously approved a MOA template that “prescribes the protocols and procedures for the establishment, operation, and disestablishment of dual-status commanders” when operating in a state (Stockton, 2011). The formal agreement in the MOA made with each state creates a new policy without establishing requirements or adding new authorities. In addition, the Council of Governors also unanimously approved a legislative proposal that would involuntarily activate Title 10 Federal Reserve forces in response to an emergency or disaster in the homeland (Stockton, 2011). This proposal would not only be a formal policy change in statute but it symbolizes an enormous paradigm shift among stakeholders in the last several years with regard to the use of Title 10 forces in a state. Indeed, the Chairmen of Council of Governors transmitted the legislative proposal to the Senate and House Armed Services Committee with their support to be included in the FY12 NDAA (Panetta, 2011). On August 11, 2011, Secretary of Defense, Leon Panetta, also sent letters of support for the legislative proposal to the House and Senate Armed Services Committee for inclusion in the FY12 NDAA (Panetta, 2011).

## **E. SUMMARY**

Appreciation for institutional pathologies, cultures and various perspectives increases the ability for individuals and organizations to develop a mutual understanding and growth. Learning, in the sense of lessons learned from disasters, can lead to policy change that has practical implications for successful operations among mission partners. Relying on tested and proven models or policies to rationalize policy change offers

reasonable support that policy should and can be altered for the better. Real-world events are occurring that address policy change, through formal agreements and statutorily, that could resolve conflict and create unity of effort for Title 10 and Title 32 military responding to disasters and emergencies in the homeland. This chapter was meant to highlight the case study best practices and the ongoing paradigm shift to bridge the knowledge gap among Title 10 and Title 32 military members. Chapter VI takes these concepts a step further and offer recommendations for next steps to build one, unified team from Title 10 and Title 32 military members.

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## **VI. CLOSING THOUGHTS ON UNITY OF EFFORT**

It always seems impossible until it's done

– Nelson Mandela

### **A. INTRODUCTION**

When the author began this research project in the fall of 2010, creating unity of effort between Title 10 and Title 32 military members seemed like an unlikely prospect plagued by various competing interests by multiple stakeholders. The complex history among these stakeholders resulted in a stalemate that required genuine partnership building to make progress. Indeed, in the past year, a “real-time” genuine partnership was forged and this is a fundamental factor to this thesis as the research and findings were unfolding as the partnerships were building. The author hoped that through this research project, she would contribute to the unity of effort dialogue by addressing the knowledge gap that stifled communication among the stakeholders and also attempt to synthesize an effective way forward. The “real-time” factor and subsequent progress contributes greatly to the applicability of the research and analysis by filling the knowledge gap and pointedly shaping a way ahead. By many accounts, the state of affairs on unity of effort between Title 10 and Title 32 military has done a complete 180-degree swing in the right direction whereby genuine partnership building has paid off and the stakeholders are reaching consensus on multiple issues of vested interest.

### **B. FINDINGS AND ANALYSIS**

The findings and analysis have addressed the research questions that drove this project. It was essential to ascertain why unity of effort between Title 10 and Title 32 military was not a reality. Investigating the events, opinions and comments involving multiple stakeholders helped define exactly what had happened in the past to shape the knowledge gap and division that was at play. The fact is, Hurricane Katrina highlighted the problem but other factors hindered the requisite partnership building and compromise needed to create unity of effort from the top down. To this point, addressing the power factor as it relates to federalism and command and control was necessary as this was at

the core of the stalemate. The complex history was broken down chronologically and by issue area to provide the reader an opportunity to understand the perspectives from various stakeholders, which includes the legislative activity and proposals at odds that served as contentious issues among the stakeholders and before Congress.

Consequently, it was also important to address the vitality of a formal mechanism for the stakeholders to come together for genuine partnership building to reach consensus on creating unity of effort. Indeed, Congress had a hand in the development of a formal mechanism and the Council of Governors has been the center of gravity for creating an environment in which state governors, the National Guard and DoD leadership can come together to discuss issues and reach a compromise. The formality of the Council of Governors led to other formal and operational mechanisms to create unity of effort, such as the Joint Action Plan for Unity of Effort, MOAs between the DoD and states on the dual-status command construct and the legislative proposal from the DoD to call-up Title 10 federal reserve forces in response to emergencies and disasters.

The case study findings from the Israeli Home Front Command and Florida Division of Emergency Management further prove that formal mechanisms among stakeholders and policies, particularly those focused on a unified response, will improve unity of effort. The best practices gleaned from Israel and Florida demonstrates that unity of effort can be a reality and the newly established mechanisms mentioned above are building blocks towards that effort. Of the best practices found in Israel and Florida, those most applicable to Title 10 and Title 32 unity of effort were building a culture of preparation, creating one chain of command and formalizing the process to do so. The analysis also highlighted other underlying areas related to culture and context that have hindered Title 10 and Title 32 military members from creating unity of effort. Theories and concepts regarding social identity, institutional pathology, the new C<sup>2</sup> of culture and context, in-group and out-group conflict, setting a “superordinate goal” and learning types were all analyzed to provide the reader, particularly Title 10 and Title 32 military, with a greater appreciation and perspective with the hope of closing the knowledge gap so that differences may be overcome to reach unity of effort.



Lastly, it is also a reality that disasters may occur that are so catastrophic that access to Title 10 Federal Reserve forces may be necessary. It is fair to say that among the stakeholders, little debate has transpired on the value of having additional forces from the Title 10 Federal Reserve available to respond to disasters and emergencies; rather, the consternation has been about command and control of those Title 10 Federal Reserve forces when employed in a state. Since the Council of Governors agreed on the dual-status command construct and a MOA to formalize it, state governors and the National Guard are now more comfortable with the legislative change to Title 10 Sec 12304 to allow Title 10 federal reservists to be involuntarily called up to respond to a disaster or emergency. Indeed, on August 18, 2011 the co-chairs of the Council of Governors submitted letters of support for this proposal to the Senate and House Armed Services Committees and stated, “we are pleased to present the legislative proposal for your consideration and request your support in passing the legislation as part of the National Defense Authorization Act for Fiscal Year 2012” (Branstad & Gregoire, 2011).

The research questions assisted the author in shaping the knowledge gap among Title 10 and Title 32 military members. The case studies, as well as the real-time solutions resulting from the Council of Governors, helped answer the questions to fill this gap.

### **C. RECOMMENDATIONS**

The author believes that the Joint Action Plan on Unity of Effort, the MOAs on dual-status command and the legislative proposal to involuntarily call up Title 10 federal reservists will effectively meet some of the best practices founded in Israel and Florida. It should be noted that while support for the legislative proposal to amend Title 10 Sec 12304 from the Council of Governors is paramount, the author believes that Congress should not hesitate to include this proposal in the FY12 NDAA. The author considers a cultural shift between Title 10 and Title 32 military the next hurdle that necessitates attention while implementing these initiatives. The following recommendations are meant to take these initiatives to the next level.

The first set of recommendations on experience and education are based on findings in Chapter V resulting from the differences and cultural conflict between the active and reserve components. To emphasize specifically the “new C<sup>2</sup>,” or culture and context, the DoD could take a cue from the much-needed cultural shift that occurred following the implementation of Goldwater-Nichols, which completely changed the way U.S. military forces operate in a joint environment. In doing so, the institutionalized recommendations from Goldwater-Nichols created new ways for service members to learn new skills and expand their thinking (Harm & Hunt, 2009). History has shown that collaborative and joint operations are more successful, whereby “Desert Storm and subsequent military operations have proven the effectiveness of this policy decades after its enactment” (Harm & Hunt, 2009). The clear success of military operations following the implementation of these objectives from Goldwater-Nichols demonstrated that creating a unified force structure better enabled the U.S. military to conduct more effective operations. While the exact circumstances are certainly dissimilar, comparisons involving inter-service or inter-component cultural differences and command and control structure are applicable. In keeping with a recommendation from the Commission on the National Guard and Reserve, the author recommends that members of the reserve component, both Title 10 and Title 32, should be exposed to increased opportunities for joint experience and joint qualification. These “periodic tours with the active component” will increase exposure to overcome cultural differences (Commission on the National Guard and Reserve, 2008, p. 30). In addition, Nagl and Sharp suggest, “education is the most effective way to overcome the lingering active-reserve component cultural divide” (Nagl & Sharp, 2010). The author recommends an expansion of curriculum in PME that focuses on the homeland and defense support to civil authorities, which would not only improve the active duty understanding of operations in the homeland but would serve to mend cultural conflict with the reserve component. The current DSCA course offered at USNORTHCOM is effective but has not reached a larger audience of Title 10 and Title 32 military members. Offering educational curriculum at other established schools would be valuable to this end. Of course, opportunities in training and exercises are an effective way to truly bring people together, but prolonged tours of working alongside a member

of the opposite component in an office or in the classroom will facilitate communication and interdisciplinary learning. Just as tours overseas create a bond over a common experience, so will opportunities with joint experience and education, which will also make reserve members more attractive for promotion in higher ranks.

The second set of recommendations is also based on findings in Chapter V from the case studies in Florida and Israel in which partnership and preparation is vital to an operational unity of effort. Title 10 members also need advantages for increased exposure to their counterparts in the reserve component, specifically Title 32 members, to appreciate culture and context for operations in the homeland. As most Title 10 forces are contingency sourced for operations in the homeland, it is difficult to select those specific units that may work alongside Title 32 military, and thus, would benefit from additional contact. Accordingly, the author is concentrating on the newly formed dual-status command concept to specify members of the Title 10 Active Duty who are most likely to work alongside Title 32 National Guard in an operational environment. As previously discussed, the MOA on dual-status command designates a commander and deputy commander from opposite components. Currently, designated dual-status commanders and only a few deputy commanders are attending a dual-status commander training and education course at USNORTHCOM. The author recommends that deputy commanders be designated simultaneously when dual-status commanders are designated so they can attend the course together. Essentially, if this pair is to execute the dual-status command concept together and represent their components up the chain of command, then it seems logical that they also attend training at the same time and take advantage of the experience together. It is the author's opinion that the success of the dual-status command may be contingent on the nature of the relationship between the commander and his deputy, and thus, initiating the relationship building from the beginning and before an incident strikes seems constructive. In addition, as of August 25, 2011, approximately 40 Title 32 National Guard members have received dual-status command training from USNORTHCOM. Unfortunately, not one Title 10 active duty member has attended the dual-status command training. The author recommends that the DoD and USNORTHCOM take the requisite steps to select and train Title 10 active duty members

as dual-status commanders. While the author acknowledges that a Title 32 National Guard member may be the likely commander for most scenarios, the DoD was specific not to eliminate the possibility of a Title 10 dual-status commander. As such, USNORTHCOM should also train Title 10 active duty members for this command construct and responsibility.

The third recommendation is based on the findings in Chapter V regarding the influence of leadership in Florida that helped bring partners together, create a collective “megacommunity” and build unity of effort for emergency management operations. The Council of Governors has been successful in bringing senior leaders to the table to discuss tough topics and reach a compromise on multiple issues. The author recommends the creation of a similar group setting for the senior military and civilian leaders in the DoD who have a role in DSCA missions in the homeland and creating unity of effort for Title 10 and Title 32 military from the top down. The group could also meet the intent emphasizing a cultural paradigm shift to breakdown Title 10 and Title 32 cultural barriers. These senior military leaders would include the Army, Navy, Air Force and Marine Corps Service Chiefs and the Reserve Component Chiefs, the Chief of the National Guard Bureau, the Assistant Secretary of Defense for Reserve Affairs, the Assistant Secretary of Defense for Homeland Defense and Americas’ Security Affairs and the Commander of USNORTHCOM. The routine meeting and participation of these members would institutionalize partnership building toward unity of effort to ensure that success is not contingent on an individual or a personality. The group setting would also formalize a means for these leaders to meet on any number of issues and set an example on the importance of partnerships to work through difficult topics openly and constructively.

#### **D. TO BE ADDRESSED**

While incredible strides are being made to strengthen partnerships among Title 10 and Title 32 military to create unity of effort, further examination should be conducted to address the sustainment of an operational unity of effort. First, the dual-status command construct has been used for pre-planned events and was just recently employed for

Hurricane Irene in four states that had signed MOAs and trained dual-status commanders, which is the first time the dual-status command has been tested in a real-world event. Lessons learned from the dual-status command construct during Hurricane Irene will be forthcoming. As the MOAs are signed, the dual-status command will be implemented and its effectiveness to bridge command and control for Title 10 and Title 32 operators scrutinized. Testing dual-status command is certainly contingent on disasters and emergencies that vary in scale and severity. Thus, with each incident, different challenges must be overcome. If stakeholders maintain an open mind and utilize lessons learned from the dual-status command construct then it could be a successful and enduring agreement over time. Second, refocusing organizations to consider culture and context is a challenge and will take time. Training events, deployments, education, joint experience and exercises are several ways in which cultural differences can be addressed so that institutional pathologies and group conflict may be resolved to maintain unity of effort. As stated above, interdisciplinary opportunities in education and joint experience are areas that need increased attention when trying to build partnerships and resolve cultural differences.

## **E. CONCLUSION**

Creating unity of effort between Title 10 and Title 32 military has been an enigma to many including the author. As is often said of many work environments, joint ventures, business partnerships or even passing a bill on Capitol Hill, it is all about relationships. It seems that relationships and a genuine interest to meet in the middle made the difference in reaching a compromise and forging a way ahead with actionable initiatives to create unity of effort. Addressing these initiatives and the actions of the stakeholders, both past and present, has helped bridge the knowledge gap that exists among them. The author believes that getting to one team to win the fight in the homeland through unity of effort is the “superordinate goal” at stake and this research demonstrates that attaining this goal is well underway.

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